

Public Document Pack

Legal and Democratic Services



PLANNING COMMITTEE

Thursday 9 December 2021 at 7.30 pm

Place: Council Chamber - Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/9076644828459347214>

Webinar ID: 976-206-955

Telephone (Listen only): +44 330 221 9922, Telephone Access Code: 364-252-276

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Monica Coleman (Chair)
Councillor Steven McCormick (Vice-Chair)
Councillor Kate Chinn
Councillor Nigel Collin
Councillor Neil Dallen
Councillor David Gulland
Councillor Previn Jagutpal

Councillor Jan Mason
Councillor Lucie McIntyre
Councillor Phil Neale
Councillor Humphrey Reynolds
Councillor Clive Smitheram
Councillor Clive Woodbridge

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and

- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: Democraticservices@epsom-ewell.gov.uk , telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings:

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on 7 October 2021 (attached) and authorise the Chairman to sign them.

3. DEVELOPMENT SITE AT 24-28 WEST STREET, EPSOM, (Pages 13 - 86)

Demolition of existing building and construction of a new part 7 and part 8 storey building containing ground floor commercial/retail (E use class) and 25 residential units (C3 Use) on upper levels and associated development.

4. THE ASHLEY CENTRE, HIGH STREET, EPSOM, SURREY, KT18 5AB (Pages 87 - 96)

Alterations and improvements to the East Entrance, including new paving, over-cladding to elevations, new aluminium framed sliding doors, new lighting features, signage zones and associated works

5. CLAYHILL LODGE, WEST HILL, EPSOM, SURREY, KT19 8JP (Pages 97 - 124)

Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.

6. 21/01304/FLH; 6 ST NORMANS WAY, EWELL, KT17 1QG (Pages 125 - 132)

Erection of hip to gable/gable ends, front and rear dormer roof extensions, installation of front rooflight.

This page is intentionally left blank

Minutes of the Meeting of the PLANNING COMMITTEE held on 7 October 2021

PRESENT -

Councillor Monica Coleman (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Nigel Collin, Neil Dallen, Bernice Froud (as nominated substitute for Councillor Previn Jagutpal), Rob Geleit (as nominated substitute for Councillor Kate Chinn), David Gulland, Jan Mason, Phil Neale, Humphrey Reynolds, Clive Smitheram and Clive Woodbridge

Absent: Councillor Kate Chinn, Councillor Previn Jagutpal and Councillor Lucie McIntyre

Officers present: Mehdi Rezaie (Interim Planning Development Manager), Euan Cheyne (Planning Officer), Lidia Harrison (Legal Officer), Jeremy Young (Tree Officer Place Development) and Tim Richardson (Committee Administrator)

8 WITHDRAWAL OF ITEM

The Chair informed the Committee that Item 04 (Clayhill lodge, West Hill, Epsom, Surrey, KT19 8JP) of the published agenda had been withdrawn from the agenda and would not be considered at the meeting.

9 DECLARATIONS OF INTEREST

The following declarations of interest were made in relation to items of business to be discussed at the meeting:

Declarations of Interest

Councillor Bernice Froud, Other Interest: In the interests of openness and transparency, Councillor Bernice Froud declared that she is a member of Epsom Civic Society and came to the meeting with an open mind.

Declarations of Interest

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he is a member of Epsom Civic Society and came to the meeting with an open mind.

Declarations of Interest

Councillor Nigel Collin, Other Interest: In the interests of openness and transparency, Councillor Nigel Collin declared that he is a member of Epsom

Civic Society and is the Borough's Heritage Champion, and came to the meeting with an open mind.

Declarations of Interest

Councillor Rob Geleit, Other Interest: In the interests of openness and transparency, Councillor Rob Geleit declared that Councillor Debbie Monksfield was a very good friend of his.

Declarations of Interest

Councillor Steven McCormick, Other Interest: In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of Woodcote Epsom Residents Society, Epsom Civic Society and came to the meeting with a clear and open mind.

10 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the committee held on 22 July were agreed as a true record and signed by the Chair, subject to the following correction to Minute 4, page 5:

That the word “all” be replaced with the word “most” to read as follows: “Councillor Coleman also declared that most Councillors were familiar with the family occupying the property next door to the property that Item 3 relates to.”

11 13 OAKLAND WAY, EWELL, SURREY, KT19 0EW

Description

Erection of single storey rear and side extension

Decision

The Committee noted a presentation from the Planning Development Officer, in which he informed the Committee of a typing error in the Planning application number detailed in the report. This was corrected to 21/01208/FLH. This item had been referred to the Committee as the applicant was an Epsom and Ewell Borough Councillor.

Following consideration, the Committee unanimously resolved that:

The Application be **APPROVED** subject to the below following conditions.

CONDITIONS:

- (1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

PJ131/10/003 Ground Floor Plan as Proposed (Received 06/08/2021)

PJ131/10/004 Roof Plan as Proposed (Received 06/08/2021)

PJ131/10/005 Front and Rear Elevation as Proposed (Received 06/08/2021)

PJ131/10/006 Side Elevation as Proposed (Received 06/08/2021)

PJ131/10/007 Block Plan, Site Location Plan (Received 06/08/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing building, or such other materials shall have been approved in writing by the Local Planning Authority, and shall thereafter be retained as such.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) The roof of the single storey rear and side extension hereby permitted shall not be converted or used as a balcony or sitting out area, and no access shall be gained except for maintenance purposes.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

INFORMATIVE(S)

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service,

in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

12 2 CHRIST CHURCH ROAD, EPSOM, SURREY, KT19 8NE

Description

T1: Holm Oak (Surrey Highways) - Reduce lateral branches overhanging No2 by up to 3m to boundary fence line.

T3: Purple Leaf Plum - Crown reduce by up to 2m. Crown thin 20%.

Decision

The Committee noted a presentation from the Tree Officer. This item was presented to the Committee as it was notification for tree works in a Conservation Area made by an Epsom and Ewell Borough Councillor.

Following consideration, the Committee resolved by a majority vote in favor to approve the recommendation of the report, that:

“Epsom & Ewell Borough Council has considered the proposal and raises no objections to the proposed work described above. These works must be carried out within 2 years from the date of this notice. If for any reason the work is not carried out within that time a new notification should be made to the Council.

Informative

Although the Local Planning Authority have raised no objection to your tree work proposal this is on the basis that it is not considered appropriate to protect the trees by tree preservation order. However, the tree work to the Holm Oak tree located on the verge does not constitute sound arboricultural practice and results in canopy imbalance. It is recommended that the applicant informs the Highway Authority about the impact of the tree work on the balance of tree over the public highway.”

13 MONTHLY APPEALS

The Committee noted the Appeal Decisions from 23 June 2021 to 20 September 2021.

The meeting began at 7.30 pm and ended at 8.11 pm

COUNCILLOR MONICA COLEMAN (CHAIR)

This page is intentionally left blank

Development Site At 24-28 West Street, West Street, Epsom, Surrey

Ward:	Town Ward;
Site:	Development Site At 24-28 West Street Epsom Surrey
Application for:	Demolition of existing building and construction of a new part 7 and part 8 storey building containing ground floor commercial/retail (E use class) and 25 residential units (C3 Use) on upper levels and associated development
Contact Officer:	Gemma Paterson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVZ5SRGYFS700>

2 Background

- 2.1 Members may recall that this application was first heard at the May 2021 Planning Committee where it was deferred in order for more information to be gained in respect of:
- Affordable Housing
 - Design (Secured by Design)
 - Amenity Space
 - Arrangements for refuse collection

- Various matters of factual classification, including the amount, type and location of landscaping measures, the location of cycle store facilities and arrangements for the car club vehicle.

3 Summary

- 3.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 3.2 The application seeks planning permission for the demolition of the existing building and the construction of a new part 7, part 8 storey building containing ground floor commercial/retail (Planning Use Class E) and 25 residential units (Planning Use Class C3) for all upper levels.
- 3.3 The site is located within a main settlement, town centre location that is in close proximity to public transport, which offers a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms for new residential uses.
- 3.1 The proposal would result in less than substantial harm to designated and non-designated heritage assets. Although this harm leads to a presumption against granting planning permission, when the public benefits arising from the proposal (the provision of a significant sustainable housing development) are weighed in the balance (giving great weight to the preservation of the heritage asset), the proposed development is considered acceptable in this respect.
- 3.2 The proposed development would not result in an increase in traffic generation or result in any issues to highway safety or to the operation of the highway network.
- 3.3 As the site is in a highly sustainable location with access to a number of public transport modes, the proposed scheme would be a car free development. An off-street Car Club Bay is proposed to serve both the proposed development and the Town Centre
- 3.4 The application has demonstrated, by way of a Viability Assessment, that the proposed scheme is unable to viably provide a policy compliant provision of 10 affordable units, corresponding to 42% provision of affordable housing. However, the proposed scheme would provide three on-site affordable units as Discounted Market Sale units, which would be the equivalent of 12% affordable housing, which would meet the expectations of Paragraph 65 of the NPPF (2021).

- 3.5 The proposal would not be compliant with the Council's Housing Density and Building heights policies. However, in May 2018, the Licensing and Planning Policy Committee took a decision to afford less weight to these policies in the light of the then newly published NPPF, as they were considered to restrict opportunities for growth in the Borough. It should be noted that these policies remain part of the statutory Local Development Framework, and therefore continue to be the starting point for assessing this planning application. They are however, afforded limited weight in the decision-making process and having regard to the current presumption in favour of sustainable development.
- 3.6 The architectural design of the development is considered to respond sympathetically to the site's surroundings, but with a more contemporary and sustainable context.
- 3.7 The provision of amenity provided within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers. In addition, there is suitable access to the open space and recreational fields within a short walk of the application site.
- 3.8 It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 3.9 The proposal would accord with the Council's policies in relation to ecology, flood risk, surface flooding, land contamination and archaeology. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 3.10 Although the proposal would not result in the loss of existing trees from the site, it would reduce the opportunity for future tree planting, although the applicant is open to giving consideration funding a tree external to the site in order to mitigate this loss.
- 3.11 The Council currently does not have a 5 year housing land supply. This means that the "presumption in favour of sustainable development" (paragraph 11 of the NPPF) (Also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF (2021) as a whole.

3.12 Overall, there would be no adverse effects to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

3.13 The application is recommended for APPROVAL subject to a S106 agreement and the imposition of appropriate planning conditions and Informatives.

4 Site description

Application Site

4.1 The application site consists of the existing building 24-28 West Street. The site is triangular and has a total area of 0.054 hectares. The existing building on site date back to 1905 when it was originally a Corn and Coal Merchants. The building is not listed, neither is it locally listed. Although the existing building has been reviewed by Historic England, it has been deemed to be unworthy of statutory listing, although it is noted as a positive contribution in the Conservation Area Appraisal. To the rear of the building is hardstanding utilised for car parking.

4.2 The existing buildings are two-storey, with a mansard roof design with Dutch gable ends. The principal elevation of the building fronts West Street with the Dutch gable end facing onto Station Approach. It is externally finished with white/cream painted render, stone quoins and sash windows. The ground floor contains a Bakery (Planning Use Class F.2), with office accommodation (Planning Use Class E) situated on the first and second floors of the building.

Surroundings

4.3 The built form surrounding the site is diverse in scale, varying from 4 storey immediately adjacent to the site and up to a maximum of 5 storeys towards the station. Within the Town Centre, most buildings accommodate ground floor retail. To the north of the site is a railway embankment. The site is approximately 200 metres from Epsom Railway Station.

4.4 The site is located within Epsom Town Centre Conservation Area and to the south and east of the site there are multiple listed buildings with a direct view of the site.

5 Proposal

- 5.1 The proposed development involves the demolition of the existing two storey building and the erection of an eight-storey building comprising ground floor commercial/retail (Planning Use Class E) and 25 residential units (Planning Use Class C3) on upper levels and associated development.
- 5.2 The proposed development would have an overall footprint of 351m², with the ground floor layout consisting of 114m² of commercial/retail floor space, with concealed storage for bins and cycling located internally to the rear and out of the street scene. A communal resident's lobby is provided, accessible from the main entrance.
- 5.3 At first floor level, the proposed development would provide twenty five apartments, comprising 2 x one bedroom units, 21 x two bedroom units and 2 x three bedroom units.
- 5.4 The design of the proposed development features three distinct variations in height. A glazed feature facing the junction of West Street with Station Approach would have an overall height of 28 metres. The uppermost floor would measure 25 metres in height and the seventh storey recessed floor would measure 22 metres in height.
- 5.5 The proposed development would be car-free and would not provide any onsite parking provision. Pedestrian access to the commercial unit and residential block would be from the separate entrances, both on the corner of West Street and Station Approach.
- 5.6 A vehicle loading bay for commercial and service vehicles is proposed off site, within Station Approach. Access to the residential and commercial refuse/recycle store and cycle stores would be externally from Station Approach.

6 Comments from third parties

- 6.1 The application was advertised by means of a site and press notice, and letters of notification to 59 neighbouring properties. 396 letters of objection had been received and the issues raised are summarised as follows:
- Height out of context with the town centre
 - Loss of existing building
 - Out of character with historic environment
 - Does not conform to the architecture of the town.
 - Overbearing

- Materials should be brick
- Transport impacts creating a bottleneck
- The type of housing is inappropriate
- Overlooking gardens of nearby residential properties
- Lack of parking
- The existing building should be restored
- Disruption during construction
- Lack of possible retail tenants
- Impacts on ecology
- Loss of Green Space
- Need for social space
- Crime
- Stress on amenities such as schools, doctors etc.
- Wind impacts
- Against Council Policy
- Adverse Visual Impact
- Generation of Noise and Disruption
- Impact on Character
- Impact on Neighbour Amenities
- Contrary to local plan policies
- Traffic/ parking implications
- Loss of Light/Overbearing
- Loss of outlook
- Impact on Drainage, Flooding

6.2 Following the submission of an amended scheme, on 26.11.2020, a second consultation period began on 09.12.2020 and expired on 30.12.2020. At the time of completing this report, 184 letters of objection had been received, and the issues raised are summarised as follows:

- Impact on Character/Design
- Stress on amenities such as schools, doctors
- Impact on neighbour amenities
- Contrary to local plan policies
- Generation of Noise and Disruption
- Impact on Drainage, Flooding
- Loss of Outlook
- Traffic/Parking and highway safety Implications
- Out of scale
- Risk damage adjacent railway bridge
- Lack of access
- Against Council policies

- Overlooking/loss of privacy
- loss of businesses/ commercial units
- Adverse Visual Impact
- Contrary to Local Plan Policies
- Generation of Noise and Disruption
- Impact on Drainage, Flooding
- Impact on Ecology/Wildlife
- Inappropriate height/mass
- Loss of Light/Overbearing
- Traffic/Parking Implications
- Contrary to Local Plan Policies
- Harmful to Listed Buildings and Historic Townscape
- Level of amendment should not be accepted under this current application
- Loss of bakery

6.3 The comments material to the planning merits of this proposal are addressed within the contents of this report.

7 Consultations

7.1 **Surrey County Council Highways:** No objections subject to imposition of conditions and S278 legal agreement.

7.2 **Environment Agency:** No objections subject to imposition of conditions.

7.3 **Crime Reduction Officer:** No objections, would welcome consideration being given to the applicant applying for a Secured By Design accreditation.

7.4 **Ecology Officer:** No objections, little potential for impacting biodiversity. Recommend a condition for the bat survey to be updated and for the inclusion of biodiversity enhancements such as bird and bat boxes.

7.5 **Historic England:** Objection, although welcome the reduction in height from the previous proposal which lessens the impact of the proposals when viewed from various locations within the Conservation Area. However, the proposals cause 'less than substantial harm' to the significance of the Epsom Town Centre Conservation Area.

- 7.6 **Environmental and Health Officer:** No objections: a condition is necessary to ensure the development is constructed so as to achieve the outcomes of the Entran report which calls for mitigating measures to be put in place so as to make the development acceptable from a noise and vibration standpoint. The potential noise from future commercial unit extraction and air handling operation is also proposed to be controlled via condition.
- 7.7 **Building Control Officer:** No objections
- 7.8 **Planning Policy Officer:** No objections
- 7.9 **SCC Fire Safety:** No objections
- 7.10 **Network Rail:** No objections, recommend the inclusion of an informative
- 7.11 **Crossrail 2:** No objections, recommend the inclusion of an informative
- 7.12 **Thames Water:** No objections, a buildover agreement will be required if the work is within three metres of a public sewer or one metre of a lateral drain
- 7.13 **Lead Local Flood Authority (SuDS):** No objections, subject to imposition of conditions.
- 7.14 **Surrey County Council Archaeology:** No objections, subject to imposition of conditions
- 7.15 **Contaminated land Officer:** No objections, subject to imposition of conditions
- 7.16 **Design and Conservation Officer:** Recommend approval subject to imposition of conditions stating that the proposal has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom and the design is well considered and beneficial to the site being well located in the townscape. The building will become a major marker to Epsom, especially when approached from the west, a building will identify the town and its location in the local topography. Providing palette of material use can be agreed then this building merits such prominence.
- 7.17 **Tree Officer:** Comment made, conditions should be imposed on grant of any approval for enhanced tree protection and investigating potential for landscaping off-site.
- 7.18 **National Grid:** No responses received.

- 7.19 **Epsom Civic Society:** Objection - Bulk, scale, design and height cause harm to Epsom Town Centre Conservation Area and adjacent Stamford Green Conservation Area. Overshadowing of the residential units to the west of the site during the early part of the day. No parking spaces would lead to resident parking over nearby residential street. No mention of charging points for electrical cycles.

The current scheme does not demonstrate how it will meet the Council’s Climate Change Action Plan, Theme 1, Year one Item 5 “Actively seek opportunities to develop the borough’s carbon neutral homes”. Also, the Developer does not demonstrate how this building will meet Surrey’s Climate Change strategy objectives. The Developer does not adequately address the Council’s Sustainable Design and Planning Document CS6. Concern over construction process. Design layout of the angled roof would not offer shading during summer. Do not consider that a Sustainable Design has been achieved. There is minimal evidence that BREEAM targets have been met. This proposal damages the nature of Epsom’s character, heritage and conservation areas.

- 7.20 **Epsom Town Residents Association:** Substantial harm to the Stamford Green Conservation Area; Its height, mass, scale and design would adversely impact and harm the character and appearance of the area (including the built environment and landscape size, modernist design and materials are not in keeping with the prevailing styles of the two conservation areas. No adequate amenity space and absence of parking with a car club which is unenforceable. Loss of privacy to 4-6 West Street Properties. Lack of social housing provision. Lack of on-site provision for deliveries and waste collections, and the loss of pavement and road width for the proposed layby. The contra-flow cycleway on the western side of Station Approach must be protected during and after development on this site. Construction Management Plan and protection of remaining trees must be conditioned.

8 Relevant planning history

Application No	Application detail	Decision
18/00940/OUT	Outline planning permission for the demolition of the existing building and construction of a new 5 storey building containing ground floor commercial/retail (A1, A2 and B1 uses) and 14 residential units (C3 Use) on upper levels with all matters reserved apart from Access and Layout	Pending (No update)

14/01920/PDCOU	Prior Approval for change of use from Class B1 (Office) to Class C3 (Residential)	Prior Approval not required 22.05.2015
----------------	---	---

9 Planning Policy

National Policy Planning Framework (NPPF 2021)

- Chapter 2 – Achieving Sustainable Development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well design places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Core Strategy 2007

- Policy CS1 - General Policy
- Policy CS3 - Biodiversity
- Policy CS5 - The Built Environment
- Policy CS6 - Sustainability in New Developments
- Policy CS7 - Housing Need
- Policy CS8 - Housing Delivery
- Policy CS9 - Affordable Housing
- Policy CS12 - Infrastructure
- Policy CS16 - Managing Transport and Travel

Development Management Policies 2015

- Policy DM4 - Biodiversity and New Development
- Policy DM5 - Trees and Landscape
- Policy DM7 - Footpath, Cycle and Bridleway Network
- Policy DM8 - Heritage Assets
- Policy DM9 - Townscape Character and Local Distinctiveness
- Policy DM10 - Design Requirements for New Developments
- Policy DM11 - Housing Density
- Policy DM12 - Housing Standards
- Policy DM13 - Building Heights
- Policy DM14 - Shopfront design

Policy DM17 - Land Contamination
Policy DM19 - Development & Flood Risk
Policy DM21 - Meeting Local Housing Needs
Policy DM22 - Housing Mix
Policy DM31 - Safeguarding retail
Policy DM34 - New Social Infrastructure
Policy DM35 - Transport and New Development
Policy DM36 - Sustainable Transport for New Development
Policy DM37 - Parking Standards

Other Material Documents

- Making the Efficient Use of Land – Optimising Housing Delivery (2018)
- Strategic Housing Market Assessment Update (2019)
- Epsom Town Centre Conservation Area Character Appraisal and Management Proposals (2009)
- Single Plot and other types of Residential Infill Development SPG (2003)
- Technical Housing Standards – Nationally Described Space Standards (2015)
- Parking Standards for Residential Development SPD (2015)
- Surrey County Council Vehicular and Cycle Parking Guidance (2018)
- Revised Sustainable Design SPD (2016)
- Shopfront design Guide (May 2012)
- Epsom Town Centre Conservation Area Appraisal (2009)

10 Planning considerations

10.1 The main planning considerations material to the determination of this application are:

- Presumption in Favour of Sustainable Development
- Housing Needs
- Principle of Development
- Housing Mix
- Affordable Housing
- Quality of Accommodation
- Impact on Heritage Asset
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Impact upon Character and Appearance
- Impact upon Neighbouring Residential Amenity
- Landscaping
- Biodiversity and Ecology

- Sustainability
- Flood Risk and Surface Water Drainage
- Land Contamination
- Community Infrastructure Levy (CIL)

11 Presumption in Favour of Sustainable Development

- 11.1 The National Planning Policy Framework 2021 (NPPF 2021) sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 11.2 Paragraph 12 of the NPPF 2021 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.
- 11.3 Policy CS7 of the Core Strategy (2007) is considered out of date under the terms of the NPPF 2021. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 11.4 The Epsom & Ewell Core Strategy pre-dates the NPPF 2021 and in accordance with paragraph 219 of the NPPF 2021, the policies of the Core Strategy (2007) should be given due weight according to their degree of consistency with the NPPF 2021, In the case of old housing targets within CS7 of the Core Strategy (2007), no weight should be given to it.
- 11.5 The standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five year housing land supply, this increases to 695 under the housing delivery test, published 13 February 2020. Epsom & Ewell Borough Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 11.6 Paragraph 11d of the NPPF (2020) is engaged via Footnote 8 for applications involving the provision of housing where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites. The practical application and consequence of this is that unless the site is located in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF 2021 as a whole.

11.7 The site is located within a built up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF (2019). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

12 Housing Need

12.1 Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

12.2 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

12.3 Policy CS7 of the Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the Core Strategy and Epsom and Ewell Borough Council currently has an annual housing target of 695 new residential dwellings per year under the Housing Delivery Test as published on 13 February 2020.

12.4 Meeting the increased annual housing target is challenging. The Borough is constrained by its significant areas of designated strategic open spaces or Green Belt. In addition, the quality of its existing built-up areas is generally high. Consequently, the supply of available development sites is limited. As a result, it is important that available sites are optimised for housing delivery but without compromising the quality of the built environment.

12.5 The Council has previously determined the best solution to address the constraint of land availability in the Borough and the pressing need to address a substantial deficit in its housing land supply at the 8 May Licensing and Planning Policy Committee by passing the approval of the policy document entitled 'Making the Efficient Use of Land – Optimising Housing Delivery' (2018) as a material consideration in the determination of planning applications.

12.6 This document highlights the Councils acknowledgement that the significant housing need, housing land supply shortfall results in the need to optimise previously developed land within the town centre to accord with the guidance of the NPPF to maintain a deliverable supply of housing land to meet local housing needs and to make effective use of previously developed (brownfield)

land pursuant to this aim. This is an imperative national and local material consideration.

- 12.7 Accordingly, and in accordance with the 'Making the Efficient Use of Land – Optimising Housing Delivery' (May 2018) document the Borough Council has agreed that sites considered available, deliverable, and developable, such as the application site, should be 'fully optimised to positively respond to our objectively assessed housing need'. The document identifies that this may require developing to a higher density and building height than policy currently permits or has previously been considered acceptable. The document also identifies that 'in order to reach a balanced decision, the Borough Council's Planning Committee may attribute greater weight towards the need to deliver new additional homes.'(paragraph 3.3) in decision making.
- 12.8 Therefore, it is imperative that optimal use of the application site is made to assist the Borough with aiming towards meeting its local housing needs and any conflict with existing historic policy approaches to density should be given limited weight and greater weight should be given to the need to deliver homes to meet the local housing need, the significant five year land supply shortfall and the desire to preserve the Green Belt.
- 12.9 The surrounding area is mixed commercial, retail and residential in character and appearance given its town centre location, therefore current planning policy would not preclude the mixed use development proposed. As such, given the significant housing need within the Borough, it is considered that the redevelopment of this site at a higher density creating additional residential units within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

13 Principle of Development

- 13.1 Paragraph 59 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 13.2 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.

- 13.3 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 13.4 Given the significant housing need in the Borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

14 Housing Density

- 14.1 The NPPF (2021) paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 14.2 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 14.3 Paragraph 125 of the NPPF (2021) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 14.4 Policy DM11 of the Development Management Policies Document (2015) states [inter alia] that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.
- 14.5 The proposed housing density per hectare of the site is 500 units per hectare. Policy DM11 of the Development Management Policies Document (2015) further states [inter alia] that site density should not usually exceed 40 units per hectare however, exceptions to this approach are considered where the following can be demonstrated:
- the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and

- The surrounding townscape has sufficient capacity to accommodate developments of higher density.

14.6 The site is in a highly sustainable location. It has excellent access to facilities and transport as set out below:

- The site is within 200 metres from the Borough's main train station, with links into central London on average of every 35 minutes
- The site is a 5 minute walk into Epsom Town Centre, which has a hub for local bus routes.
- Epsom Town Centre has over 100 shops and services with major retailers, including a major supermarket within a short walking distance
- Cycle and walking routes can be found throughout the area and there is a taxi rank located outside the station and Epsom market square.
- Epsom hospital is approximately 15 minutes' walk or 8 minutes on a bus from the site and there are a further 8 NHS medical practices within 20 minutes' walk of the site, with regular buses also available to shorten journey times.
- There are a minimum of 19 schools, preschools and nursery's and 1 University within a 20 minute walk from the site
- The site has good access to greenspace and is less than 10 minutes' walk to Court Recreation ground to the north and Mounthill Gardens and Rosebery Park to the South.

14.7 Furthermore, at Planning and Licencing Committee in May 2018 it was agreed that given the borough's objectively assessed housing need of 697 units, it is important to improve the optimisation of housing delivery for development sites in the borough. It states within the report that the optimisation of development sites 'may result in development that exceeds the density and / or height parameters of Policy DM11, Policy DM13 and Plan E Policy E7'. The purpose of this committee was to reduce the weight given to these policies during decision making and as such, the weight afforded to these policies is not significant enough to warrant the refusal of a planning application on the basis that the proposed housing density is not policy compliant.

14.8 Given the high sustainability of the location and that the review into council policies relating to height and density has reduced their weight in decision making, it is considered that the density of the proposal would be acceptable.

15 Housing Mix

- 15.1 Paragraph 124 of the NPPF (2021) states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 15.2 Policy DM22 (Housing Mix) of the Development Management Policies Document (2015) states [inter alia] that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 15.3 Policy DM22 (Housing Mix) of the Development Management Policies Document (2015) states [inter alia] that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 15.4 Chapter 3 (Housing Need Assessment) of the Council’s Strategic Housing Market Assessment Update (2019) recommends that the breakdown of dwellings by size should be: 10% for 1 bedroom units, 50% for 2 bedroom units, 30% for 3 bedroom units and 10% for 4 bedroom units.

1 Bed	2 Bed	3 Bed	4 + Bed
10%	50%	30%	10%

- 15.5 The application proposes the following mix on the site:

1 Bed	2 Bed	3 Bed	4 + Bed
2 (8%)	21 (84%)	2 (8%)	0 (0%)

- 15.6 Although the proposed development involves a much higher proportion of smaller units than encouraged with the Council’s Strategic Housing Market Assessment Update (2019), Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location could be considered appropriate, as it would result in a more efficient use of land. Furthermore, the mix includes some two bedroom units with a four person occupancy, which would be suitable for small families.

- 15.7 Whilst the proposed mix is not compliant with Policy DM22 (Housing Mix) of the Development Management Policies Document (2015), the proposed development must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need. The housing mix is therefore assigned minor negative weight in the planning balance.

16 Affordable Housing

- 16.1 Paragraph 63 of the NPPF (2021) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

- 16.2 Paragraph 65 of the NPPF (2021) states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

- 16.3 Policy CS9 (Affordable Housing) of the Core Strategy (2007) states that the Council has a target that overall, 35% of new dwelling should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

- 16.4 Therefore, to be fully compliant with Policy CS9 of the Core Strategy (2007), the proposal development would be required to provide 10 on site affordable units.

- 16.5 Paragraph 58 of the NPPF 2021 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

- 16.6 Paragraph 3.12.11 of the Core Strategy (2007) states that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 16.7 An Economic Viability Appraisal Report, dated February 2020 and by an Addendum Viability Study, prepared by Turner Morum, dated January 2021 has been submitted in support of the application, which demonstrates that the scheme would generate a substantial deficit on the developer target profits when tested with a policy compliant affordable housing contribution of 40%.
- 16.8 For the purposes of clarity, the developer profit target is factored into the appraisal as a cost. If the development value is lower than the associated costs, such as calculated in this case, a deficit is generated and that deficit reduces the developers profit target.
- 16.9 Therefore, as a 40% affordable housing policy compliant development would substantially affect the overall viability of the scheme, a 12% provision of affordable housing is proposed.
- 16.10 Both the Economic Viability Appraisal Report and the Addendum Viability Study have been independently scrutinised by Viability Consultants BPC, on behalf of the Local Planning Authority.
- 16.11 The provision of 12% affordable housing has been tested by the Council's Viability Consultants and found to generate a deficit on the developer target profit. However, this deficit would be nominal in terms of the overall viability. Notwithstanding this, given that the scheme does result in a deficit, the Council's Viability Consultants have confirmed that there is no scope to provide additional affordable units on the site
- 16.12 The scheme proposes a 12% affordable housing provision, which equates to three affordable units.
- 16.13 Notwithstanding the above, the applicant suggests that the proposed three affordable units would not be viable prospect to a Housing Association, as the fall below the minimum thresholds that Housing Associations operate, which tends to be above 10 units.
- 16.14 Furthermore, the applicant suggests the quality of the development would create higher than normal construction and maintenance costs, thereby resulting in higher annual service charges that would be of concern to Housing Associations.

- 16.15 The applicant therefore proposes that the three affordable units are to be discount market sales homes, which are homes that are sold at a discount of at least 20% below market value with eligibility determined by locality and household income. Therefore, whilst local residents are eligible to purchase the proposed discounted units (subject to income criteria), they would not be open to those residents on the Council's housing register.
- 16.16 Annex 2 of the NPPF 2021 sets out the Governments view of affordable housing and identified that this includes discounted market sales homes. This form of recognised affordable housing will be secured by a Section 106 agreement, which will also ensure that the units remain at a discount for future eligible households.
- 16.17 This would therefore meet the requirement of paragraph 64 of the NPPF 2021, which expects at least 10% of units in major development to be affordable.

17 Impact on Heritage Assets

- 17.1 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 impose a statutory upon local planning authorities to consider the impact of proposals upon Listed Buildings and Conservation Areas.
- 17.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 17.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area'.
- 17.4 Additionally, the NPPF (2021) (as amended) attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 17.5 Paragraph 200 of the NPPF (2021) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
- 17.6 Paragraph 201 of the NPPF (2021) states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 17.7 Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 17.8 The application of the statutory duties within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 17.9 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes conservation areas, from development within its setting.

- 17.10 Policy DM8 (Heritage Assets) of the LDF Development Management Policies Document (2015), set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 17.11 The site is located within Epsom Town Centre Conservation Area. The significance of this heritage assets lies within its retained historic market town character and rich historic interest as a spa town, following the discovery of the medicinal properties from the local pond, which attracted many noble visitors, including King Charles II.
- 17.12 The historic core of Epsom contains many of the Towns oldest and iconic buildings, many of which are grade II and grade II*, with the mid 19 century clock tower as the centre piece. Several buildings that reflect Epsom's late 17th century development as a spa town have survived, as well as many historic shopfronts.
- 17.13 The Epsom Town Centre Conservation Area is described within the Epsom Town Centre Conservation Area Character Appraisal and Management Proposals (2009) as 'a compact area taking in the historic core of Epsom and most of its oldest buildings. It consists essentially of the High Street, but with short extensions westwards into West Street and South Street and eastwards into Waterloo Road, Ashley Avenue and the Upper High Street'.
- 17.14 The Epsom Town Centre Conservation Area Character Appraisal and Management Proposals (2009) notes that the Epsom Town Centre Conservation Area has three distinctive character areas, one of which is West Street.
- 17.15 In considering the character of West Street, the Epsom Town Centre Conservation Area Character Appraisal and Management Proposals (2009) highlight this area to be a 'physical transition from the wide open High Street to the narrower edge of town streets, with a corresponding change of function from the large retail buildings to the small scale shops, public houses and residential buildings, some of which have been greatly extended to form offices'.

17.16 The site lies within 15 metres of the north east corner of the Stamford Green Conservation Area, in close proximity to The Fair Green. The significance of the Stamford Green Conservation Area lies with its linear form, centred on Stamford Green, with its pond, listed public house, and small cottages. The heritage asset also contains five distinctive open spaces and greens, which contributes to a village character, with reminders of ‘old Surrey’ in the form of weather boarded cottages and pantile roofs.

17.17 Beyond the highway to the south of the site lie a number of grade II listed buildings along West Street, the significance of which are as follows:

Address	Significance
1-5 West Street	Age and group contribution to the Georgian character of the area in respect of overall scale and fenestration formation
7-11 West Street	17 century building with traditional glazed shop front
13 – 15 West Street	Surviving timber frame and 18 century fabric
17- 21 West Street	Group value as good examples of neoclassical and Georgian of grandeur architecture. There is a degree of historic interest with 21 West Street as a result of connection with the Royal Legion.

17.18 The site also lies within 20 metres of grade II listed building 4-6 West Street. The significance of this heritage asset lies in its age as a late 17th century house, which was divided into two in the 18th century, and as a good example early Surrey vernacular. The Stamford Green Conservation Area Character Appraisal and Management Proposals (2007) also identifies this building as a principal focal building in the Conservation Area.

17.19 The site itself contains a group of unlisted buildings that were constructed in 1877 as a corn and coal depot, in a mixture of Dutch and French Second Empire styles. The architecture of this group is considered to be plain, with the exception of the east facing elevation, which features stucco detailing in a Italian gothic style with quins, roundels and a portrait head.

17.20 The existing group of unlisted buildings are considered to make a positive contribution to the character of the Conservation Area. Therefore, in accordance with paragraph 207 of the NPPF (2021), as the proposed scheme would result in the loss of a building that makes a positive contribution to the significance of the Conservation Area and therefore such loss should be treated either as ‘substantial harm’ under paragraph 200 of the NPPF (2021) or ‘less than substantial harm’ under paragraph 201 of the NPPF (2021) as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

- 17.21 This application is accompanied by a Heritage Statement, prepared by Heritage Collective UK, reference 4222C and dated November 2020 which concludes that the proposal would result in the loss of a non-designated heritage asset (24-28 West Street) and less than substantial harm to 4-6 West Street, the Epsom Town Centre Conservation Area and the Stamford Green Conservation Area.
- 17.22 Historic England have fully reviewed the application and have commented on their regret for the loss of the existing unlisted building. They have advised that should the demolition of the unlisted building meet the tests required by paragraph 207 of the NPPF (2021), then any replacement building should provide a contextual response to the historic townscape and character.
- 17.23 Historic England considers the proposed development to provide a poor detailed contextual response of its immediate built environment, which is evidence to them through the double height entrance space and disjointed arrangement of windows, which they believe disregards the prevailing low scale, arrangement of fenestration and fine detailing of the Epsom Town Centre Conservation Area.
- 17.24 Historic England have also raised concerns that the resulting height of the proposed development would be apparent in long views with the Epsom Clock Tower (looking west) and the junction of High Street/Waterloo Road (looking west), thereby harming the setting of this heritage asset, resulting from its height and form, which would visually compete with the Clock Tower.
- 17.25 Historic England considers the proposed development to be harmful to designated assets, including the Epsom Town Centre Conservation Area and have advised that this harm would be 'less than substantial' under the terms of the NPPF 2021. Furthermore, they consider the proposed development to fail to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 17.26 Although not mentioned in Historic England's response specifically, given the concerns set out in respect to the harm cause to the character and appearance of the Epsom Town Centre Conservation Area, it is likely that they also consider the proposal to fail to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 17.27 The Council's Conservation Officer acknowledges that, at eight storeys in height, the overall scale of the proposed development would be very prominent in the Epsom Town Centre Conservation Area. However, developing at a greater scale is inevitable if the Borough is to support optimising sites in accordance with paragraph 119 of the NPPF (2021) and the Making the Efficient Use of Land – Optimising Housing Delivery' (2018), in the pursuit of providing housing to meet local need. Notwithstanding this, the Conservation Officer considers that this impact would only be apparent from the railway viaduct and the existing buildings surrounding it to the north of West Street and on the east side of Station Approach.
- 17.28 The Conservation Officer also makes reference to the architectural styling of the listed buildings that run to the south of the site (namely 1 to 21 (odd) West Street), noting that they are primarily two storey white render, which currently contrasts strongly with Oaks House (12-22 West Street), a building that the Conservation Officer considers to be a 1970's building with a pastiche architectural approach, which has failed to respond appropriately to the setting of the Epsom Town Centre Conservation Area.
- 17.29 As a result of the site being located between the railway bridge and the 1970's Oaks House, the Conservation Officer considers that a development that relates to the existing 18 and 19 Century High Street vernacular, particularly when considering that the buildings along the south of West Street (to the east of the site), would not be appropriate, as it would be likely to be viewed as a further building of pastiche language that would fail to respond appropriately to the setting of the Conservation Area and Listed Buildings.
- 17.30 The Conservation Officer considers the design of the proposed development to be well considered and well located in the townscape.
- 17.31 When considering the impact of the proposed development upon the significance of the listed buildings to the south of West Street, the Conservation Officer notes that the most significant of the historic buildings (17 – 21 (odds) West Street) are on a road that bifurcates at the junction of West Street and separated by an intervening wooded area, that would provide screening that would limit the views of the proposed development within this setting.
- 17.32 With regards to the impact of the proposed development upon the significance of the remainder of the listed buildings to the south of West Street (1 – 15 (odd) West Street) the Conservation Officer acknowledges that whilst the proposed development would cause some harm to the setting of these buildings as a result of its overall scale, the setting is already compromised by the massing of the street frontage, which includes a modern four storey building. The Conservation Officer considers this harm to be less than substantial.

- 17.33 When viewed from the west in Stamford Green Conservation Area, the Conservation Officer has identified that the west elevation of the proposed development would greatly contrast with the exiting suburban environment, currently comprised of two storey development and open green space. However, he concludes that the existing suburban character of Stamford Green terminates at the railway bridge, which acts as a feature defining the dramatic change from the suburban Conservation Area to the more urban Town Centre Conservation Area. As West Street converts from this suburban character to the urban character, the proposed development would provide an appropriate focal marker for this change in townscape.
- 17.34 Although the Conservation Officer acknowledges that the proposed development would be visible from certain viewpoints from the Epsom Town Centre Conservation Area, he considered that it juxtaposes well with the historic environment and local townscape.
- 17.35 In light of the above, the Conservation Officer considers the proposal would cause less than substantial harm to the significance of the Epsom Conservation Area and has the potential for making a positive contribution to the build quality, skyline and distinctiveness of Epsom.
- 17.36 As the Conservation Officer has also identified less than substantial harm to the significance of designated heritage assets, in accordance with paragraph 202 of the NPPF 2021, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 17.37 Furthermore, in accordance with paragraph 207 of the NPPF (2021), the loss of the existing unlisted, non-designated heritage asset should be treated under paragraph 202 of the NPPF 2021.
- 17.38 The NPPF 2021 identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 8. The NPPG 2021 further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072).

17.39 The public benefits of the proposed development are considered to be:

- The contribution of net gain residential development to the Borough Housing Figures
- Increase in choice and types of homes
- 12% affordable housing provision
- The generation of employment during the construction phase of the proposed development and through the operational phase of the proposed development through the provision of commercial/retail Use Class E floorspace
- The direct economic and social investment into the town centre from residents, adding to the vitality and viability of the town centre

17.40 Officers have carefully weighed the public benefits of the proposed development against the less than significant harm caused to the designated heritage assets and the buildings that make a positive contribution in a Conservation Area. Whilst great weight has been attributed to the conservation of the identified heritage assets and the loss of a building that makes a positive contribution to the Epsom Town Conservation Area, in this particular case, it is considered that the public benefits of the scheme would be sufficient to outweigh the less than substantial harm caused by the proposed development on the significance of these identified assets.

17.41 Should permission be granted, the Conservation Officer has recommended conditions to secure samples of materials and to provide a simulation on site, to include examples of all external surfaces and materials as well examples of junctions, cladding fixings, reveals, soffits, parapets as well as junctions or junctures around these surfaces especially on balcony surfaces. Given that the use of high quality materials and detailing is key to the proposed development appearing appropriate within its historic and architectural setting, it would be reasonable to recommend this condition on any granted permission.

18 Design and Visual Impact

18.1 The NPPF (2021) attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

- 18.2 Paragraph 130 of the NPPF (2021) states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.
- 18.3 Paragraph 135 of the NPPF (2021) states that that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 18.4 Paragraph 3.7.5 of the LDF Core Strategy (2007) sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm, and which positively contributes to the townscape.
- 18.5 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Development Management Policies Document (2015) states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 18.6 Policy DM13 (Building Heights) of the Development Management Policies Document (2015) states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations.

- 18.7 However, as set out in this report, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights) of the Development Management Policies Document (2015). This was based on the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies remain part of the development plan, however they are afforded limited weight in the decision-making process and have regard to the presumption of sustainable development.
- 18.8 The site is located within an urban town centre in a location where the built form fronts the highway, providing an active frontage to both the north and south of the highway. Whilst there is a strong, established building line to the south of the highway, the building line to the north is somewhat eroded. The topography rises up to the west and north. The built form to the south of the highway is predominantly two storey development, whilst the built form to the north is more diverse, ranging from two storey to four storey development.
- 18.9 The built form to the south of the site is traditional in design, featuring hipped roofs, proportional dormers and constructed from brick/rendering. Some buildings feature Georgian detailing with the fenestration. To the north, the built form is also traditional in design and contains ground floor retail/commercial units with glazed shopfronts, although it is clear that recent development to the north has attempted to give a modern interpretation to when imitating the more historic traditional designs.
- 18.10 Within this existing context, the proposed development would have a greater presence than the existing built form as a result of its overall scale, form and contemporary design.
- 18.11 The form of the proposed development is a result of the constraints of the site and would therefore be triangular. Whilst this form is a departure from the form of the majority of the built form in the surrounding area, the layout would ensure that the proposed development would retain the retail/commercial glazed shop front and active frontage to the north of West Street.
- 18.12 The proposed development would extend the full width and depth of the plot. However, there would be space retained around the proposed built form as a result of its siting adjacent to the railway line to the north and the highways to the south and east, which would prevent the proposed development from appearing cramped within its plot.

- 18.13 The development would have an overall height of 28 metres, the height has been stepped and set back to give the appearance of a cluster of building forms, rather than providing one built form at a continuous height. The variations in height, along with the placement of fenestration and balconies and changes in materials, would also serve to break up the massing of the building, as well as provide a visual relief vertically.
- 18.14 Nevertheless, the height of the proposed development does conflict with Policy DM13 of the Development Management Policies Document (2015). However, in seeking to secure optimal housing delivery on the site, the weight attributed to this conflict in the planning balance is minor.
- 18.15 Notwithstanding the contents of the supporting Townscape and Visual Impact Assessment, prepared by HCUK Group, dated November 2020, it is clear that the design of the proposed development would be completely independent from any influences of immediately surrounding built form.
- 18.16 The site is a unique location as a corner plot at the western entrance to Epsom Town Centre. As such, rather than a re-imaging of the traditional design that is characteristic of the area, the opportunity has been taken to create a more modern/contemporary development that would act as a landmark gateway building, that would be sympathetic to the historic character of the surrounding built form.
- 18.17 The overall design of the proposed building is considered acceptable. Whilst the full height glazing feature proposed to the West Street/Station Approach elevation would introduce a new feature into the street scene, it would also provide a feature of visual uniqueness within the Town Centre. The proportions and arrangement of fenestration around the proposed building, whilst somewhat irregular, would provide interest to the facade of the building, further emphasising the buildings statement as a local landmark.
- 18.18 In light of the above, Officers are satisfied that the overall form and design of the proposed development is acceptable and although it would not be in similar in either character or appearance to the built form in the surrounding area as a result of its scale, form and design, it would be sympathetic to the overall local character and history of the area and would be a landmark contribution to the existing townscape.

- 18.19 Should permission be granted, it is strongly recommended that a condition to secure samples of materials to be approved by the Local Planning Authority prior to development taking place on site. This is to ensure that the materials and finishes used in the construction of the development are of a high quality and are suitable for a building of a landmark designation and gateway into the Town Centre.
- 18.20 The Design Out Crime Officer has recommended that the applicant apply for a Secure by Design accreditation. This would ensure that the development would use security products that are Police preferred specification, which is a recognised standards for all security products that can deter and reduce crime. Furthermore, it would allow the Crime Reduction Advisor to be involved in all stages of the development in terms of security aspects.
- 18.21 The applicant has agreed to apply for a Secure by Design accreditation and it is considered reasonable to seek this by way of an Informative to be attached to any decision to grant planning permission.

19 Impact upon Neighbouring Residential Amenity

- 19.1 Policy CS5 of the Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments, including House Extensions) of the Development Management Policy Document (2015) sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 19.2 As a result of the height and form of the proposed development, it is key to consider the impact upon surrounding residents from the built form in terms of outlook, daylight/sun lighting and privacy.
- 19.3 The neighbouring properties most likely to have their amenities impacted upon by the proposed development are Oaks House to the east, 9 – 19 West Street to the south and 2 West Street to the west.
- 19.4 Oaks House is located to the east of the site, within 14 metres of the proposed development. However, as Oaks House is a purpose built office block and not residential accommodation, such a relationship is considered acceptable in a Town Centre location.

- 19.5 The proposed development would be located within 21 metres of the front curtilage associated with 2 West Street and 27 metres from the front windows associated with this neighbouring property. Intervening between the proposed development and 2 West Street is a heavily landscaped railway embankment and the railway track itself. Although the proposed development is likely to have a greater impact upon the occupiers of 2 West Street than the existing situation, the separation distance would meet the guidance set out in the Council's Single Plot and other types of Residential Infill Development SPG (2003), which requires a minimum separation distance of 12 metres between new development and neighbour boundaries and a minimum of 24 metre window to window distance.
- 19.6 Furthermore, the proposed roof terrace on the north elevation would be set back from the edge of the building and be located 30 metres from the rear curtilage of 2 West Street. As such, Officers are satisfied that the proposal would not result in any materially harmful issues of overlooking, loss of privacy or be overbearing to the amenities of the occupiers of these neighbouring properties.
- 19.7 The application is supported by a Daylight & Sunlight Report, prepared by Anstey Horne, reference RC/ROL00282 and dated October 2020. The methodology and criteria used for the assessment is provided by the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE, 2011) and the British Standard document BS8206 part 2. This is held to be the current industry standard in the UK.
- 19.8 In terms of impacts on daylight from the proposed development upon the internal accommodation associated with 2 West Street, the Daylight & Sunlight Report concludes that there would be no significant loss of daylight or sunlight to these properties, with all rooms adhering to BRE guideline targets.
- 19.9 The Daylight & Sunlight Report also concludes the proposed development would not result any material loss of sunlight to the curtilage of this neighbouring property and the levels of sunlight achieved would exceed BRE guideline targets.
- 19.10 To the south of the site lies 9 – 19 West Street. Although some of these neighbouring properties have ground floor commercial/retail uses, it is not unreasonable to assume that there are residential uses existing at first floor level and above.

- 19.11 The proposed development would lie beyond the adjacent highway to the north, with a window to window separation distance greater than 30 metres between these properties. Whilst the proposal is therefore likely to have a greater presence upon the occupiers of these neighbouring properties than the current situation, these separation distances, which exceed the guidance set out in the Council's Single Plot and other types of Residential Infill Development SPG (2003), would not result in any overlooking, loss of privacy or be overbearing to the amenities of the occupiers of these neighbouring properties.
- 19.12 As a result of its orientation to the north of 9 – 19 West Street, the proposal would not result in any loss of sunlight or daylight to either the internal or external accommodation of these neighbouring properties.
- 19.13 In terms of general amenity, whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.
- 19.14 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions if permission were to be granted.
- 19.15 In light of the above, Officers are satisfied that the proposed development would not cause harm to the amenities of the occupiers of neighbouring properties, in accordance with Policy DM10 of the Development Management Policy Document (2015) and the guidance set out in the Council's Residential Infill Development SPG (2003).

20 Quality of Accommodation

- 20.1 Policy DM12 (Housing Standards) of the Development Management Policies Document (2015) states that all new housing developments, including conversions, are required to comply with external and internal space standards.
- 20.2 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m².
- 20.3 The application is proposing 25 units, comprising 21 no. two-bed flats, 2 no. one-bed flats and 2 no. three-bed flats.

20.4 The following table provides an analysis of the internal floor area against technical standards:

Flat Number (bed/person)	National Standard	Proposed Internal Area
Flat 1 (2b/4p)	70m ²	86m ²
Flat 2 (1b/2p)	50m ²	50m ²
Flat 3 (2b/4p)	70m ²	70m ²
Flat 4 (2b/3p)	61m ²	70m ²
Flat 5 (2b/3p)	61m ²	72m ²
Flat 6 (2b/3p)	61m ²	65m ²
Flat 7 (2b/4p)	70m ²	70m ²
Flat 8 (2b/3p)	61m ²	70m ²
Flat 9 (2b/3p)	61m ²	74m ²
Flat 10 (2b/3p)	61m ²	65m ²
Flat 11 (2b/4p)	70m ²	70m ²
Flat 12 (2b/3p)	61m ²	70m ²
Flat 13 (2b/3p)	61m ²	73m ²
Flat 14 (2b/3p)	61m ²	65m ²
Flat 15 (2b/4p)	70m ²	70m ²
Flat 16 (2b/3p)	61m ²	70m ²
Flat 17 (2b/3p)	61m ²	74m ²
Flat 18 (2b/3p)	61m ²	65m ²
Flat 19 (2b/4p)	70m ²	70m ²
Flat 20 (1b/2p)	50m ²	57m ²
Flat 21 (2b/3p)	61m ²	73m ²
Flat 22 (2b/3p)	61m ²	65m ²
Flat 23 (2b/4p)	70m ²	70m ²
Flat 24 (3b/5p)	86m ²	102m ²
Flat 25 (3b/5p)	86m ²	87m ²

20.5 The above table demonstrates that the proposed units would exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.

20.6 It is therefore considered that the proposed units will have an acceptable level of internal amenity in accordance with Policy DM12 (Housing Standards) of the Development Management Policies Document (2015) and the Nationally Described Space Standards (2015)

21 Proposed Amenity Space

21.1 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) of the Development Management Policies Document (2015) states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private amenity space for 1-2 person dwellings should be provided and an extra 1 m² should be provided for each additional occupant. A 3 person flat should have a 6m² balcony, and a 4 person flat should have a 7m² balcony.

21.2 Balconies or terraces have been provided to all 25 units.

Flat Number (bed/person)	Policy Minimum	Proposed Amenity Area
Flat 1 (2b/4p)	7m ²	8.3m ²
Flat 2 (1b/2p)	5m ²	5.0m ²
Flat 3 (2b/4p)	7m ²	6.4m ²
Flat 4 (2b/3p)	6m ²	6.2m ²
Flat 5 (2b/3p)	6m ²	15.7m ²
Flat 6 (2b/3p)	6m ²	5.2m ²
Flat 7 (2b/4p)	7m ²	6.9m ²
Flat 8 (2b/3p)	6m ²	6.2m ²
Flat 9 (2b/3p)	6m ²	14m ²
Flat 10 (2b/3p)	6m ²	5.2m ²
Flat 11 (2b/4p)	7m ²	6.9m ²
Flat 12 (2b/3p)	6m ²	6.2m ²
Flat 13 (2b/3p)	6m ²	14.8m ²
Flat 14 (2b/3p)	6m ²	5.2m ²
Flat 15 (2b/4p)	7m ²	6.9m ²
Flat 16 (2b/3p)	6m ²	6.2m ²
Flat 17 (2b/3p)	6m ²	13.9m ²
Flat 18 (2b/3p)	6m ²	5.2m ²
Flat 19 (2b/4p)	7m ²	6.9m ²
Flat 20 (1b/2p)	5m ²	17m ²
Flat 21 (2b/3p)	6m ²	15.3m ²
Flat 22 (2b/3p)	6m ²	5.2m ²
Flat 23 (2b/4p)	7m ²	6.9m ²
Flat 24 (3b/5p)	7m ²	43m ²
Flat 25 (3b/5p)	7m ²	59m ²

21.3 The table above demonstrates that five units (Flats 7, 11, 15, 19 and 23) are a minimal 0.1 m² below the minimum requirement, a further five units (6, 10, 14, 18 and 22) are 0.8 m² below the minimum requirement whilst Flat 3 is 0.6m² below the minimum requirement.

- 21.4 On balance, the quality of amenity space provided by these balconies is not considered to justify refusal by reason of their minor shortfall and the availability of communal facilities and is acceptable, given the site, building and design constraints, and the need to optimise the site.
- 21.5 The shortfall in meeting the size requirement is therefore weighted as a very minor negative in the planning balance.

22 Highways, Parking and Cycle Parking

- 22.1 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 22.2 Policy CS16 (Managing Transport and Travel) of the Core Strategy (2007) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.
- 22.3 This policy further emphasises that development proposals should provide safe, convenient, and attractive accesses for all, including the elderly, disabled, and others with restricted mobility and be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements.
- 22.4 Furthermore, this policy stipulates that development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 22.5 Policy DM37 (Parking Standards) of the Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It further states that the Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of street scene or availability of on-street parking.
- 22.6 The proposed scheme would be a car free development. The existing vehicular access point to the east of Station Approach is proposed to be closed as a result.

- 22.7 As the proposed scheme would be car free, no provision for disabled vehicle parking is to be made within the site. There is no statutory requirement under the Equality Act 2010 to make provision for disabled parking spaces in a residential building in its construction or during the course of its subsequent use. However, holders of a disabled blue badge are entitled to park cars within resident's bays, regardless of whether they hold a resident's permit.
- 22.8 The application is supported by a Transport Statement, prepared by Ardent Consulting Engineers, reference 182191-01B and dated November 2020.
- 22.9 The Transport Assessment gives an account of the existing highway network and local accidental data, as well as the accessibility benefits of the site. Given that the site would have excellent accessibility to non-car modes of transport. As a result of its location within close proximity of bus stops and with good pedestrian routes/facilities, the site is ideally located to take advantage of sustainable travel opportunities and limit car usage and for this reason, a car-free scheme is considered to be acceptable.
- 22.10 Notwithstanding that the proposed scheme would be car-free, the Transport Assessment has predicted the traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used.
- 22.11 The existing commercial/retail use would have generated a small number of peak vehicle movements and the existing premises accommodates this with onsite parking available for 12 vehicles. Although the proposed development is to be car free, it is likely to attract some new vehicle movements, such as delivery vehicles, taxis etc... However, in comparison with the vehicle movements associated with the existing commercial/retail use of the site, any traffic generation associated by the proposed development is likely to be minimal and would have a negligible impact upon existing traffic flows and junction capability.
- 22.12 The County Highway Authority has undertaken a full assessment of the supporting Transport Statement and consider it be a fair representation of the existing highway network and a realistic assessment of the likely impact of the proposed development on the highway network.

- 22.13 A new lay-by will be provided along the site frontage on Station Approach to facilitate refuse/recycling servicing and deliveries for the site. Since the application was heard at the May 2021 Planning Committee, new cycle infrastructure design guidance was published in August 2021 and further request for HGV tracking, which required the County Highway Authority to revisit the previously agreed loading bay arrangements. The current arrangement has moved the bay further into the public highway than the original loading bay location, which would reduce the width existing footway/cycleway along Station Approach, although the applicant has mitigated for this by offering Surrey County Council part of the site which is to be adopted by highways, in order to maintain the Surrey County Council recommended 3.0 metre width for a footpath/cycleway in a town centre location
- 22.14 If permission is granted, the proposed loading bay would be subject to a pre-occupation condition to secure the required Traffic Regulation Order that would prevent vehicles parking or waiting in the loading bay, other than for purposes of loading and unloading goods from the vehicle.
- 22.15 Policy DM37 of the Development Management Policies Document (2015) and the Council's Parking Standards for Residential Development SPD (2015) requirements for car parking provision within residential developments are a minimum of 1.0 vehicle space for one and two bed flat units and 1.5 spaces for three bed flats. The scheme would therefore be required to provide 26 spaces in order to be policy compliant.
- 22.16 As the proposed development would be car-free, no vehicle parking provision is being made within the site to serve either the residential or the commercial/retail use.
- 22.17 Therefore, there is potential for this car free development to result in the displacement up to 26 future residents' vehicles to be displaced onto the surrounding highway network. As the County Highway Authority have raised no technical objection in respect of highway operation or highway safety to this potential displacement, the Council can only consider the impact on character or inconvenience to existing residential amenity. Any potential impact on character or residential amenity arising from the lack of on-site parking is a matter for the Council to consider in consideration of its own parking policy and the level of perceived impact.
- 22.18 In considering this perceived impact, Officers note that the site is immediately surrounded by on street parking restrictions that would prevent inappropriate vehicle parking. The table below assesses the surrounding road network within walking distance of the site and the opportunities for unrestricted parking.

Road	Parking Restriction	Distance from Site (miles)
Station Approach	Double Yellow Lines both side of Carriageway	N/A
West Street (South)	Double Yellow Lines both side of Carriageway	N/A
Wheelers Lane (East)	Double Yellow Lines both side of Carriageway	N/A
Wheelers Lane (West)	Unrestricted parking	0.4m (4 mins)
West Hill/Burnet Grove	Parking permits and controlled between Mon – Sat 08:00 am – 06:30pm	0.1m (3 mins)
Hookfield	Parking permits, double yellow lines and controlled between Mon – Fri 09:30am – 11:30am	0.2m(4 mins)
Marshalls Close/Sharon Close/ Sheraton Drive	Parking permits, double yellow lines and controlled between Mon – Sun 09:00am – 08:00pm	0.2m (4 mins)
Court Lane	Double Yellow Lines with some extremely limited unrestricted parking on west side of carriageway	0.2m (5 mins)
Meadway	Double Yellow Lines with some unrestricted parking on east side of carriageway and controlled between Mon - Fri 09:00am – 12.30pm	0.3m (6 mins)
Waterloo Road	Double yellow lines and controlled between 7:00 – 9:30 am and 4.30 – 6.30 pm and 20 minute parking with no return within the hour between 9:30 – 4:30pm and 6.30 – 8.00pm	0.3m (5 mins)
Horsley Close	Double yellow lines and controlled between 9:30am – 6.30pm	0.3m (5 mins)
Hazon Way	Double yellow lines and controlled between 8.30am – 6.30pm	0.3m (7 mins)
Gosfield Road	Double yellow lines, some unrestricted parking on the south of the carriageway and controlled between 8.30am – 6.30pm	0.3m (7 mins)

22.19 The table above demonstrates that whilst there are opportunities for the potential dispersal of vehicles from the development into unrestricted parking areas associated with Wheelers Lane (West) and Meadway and the unrestricted evening parking associated with West Hill, Burnet Grove, Horlsey Close, Hazon Way and Gosfield Road, it is unlikely that this would impact on existing character or cause the residents of these roads any inconvenience beyond that currently experienced with the restrictions, particularly given that residents in these areas tend to have their own off street parking provision or on street permits.

22.20 However, in order to ensure that the existing level of off street parking is preserved for existing residents, the Council will not issue any parking permits to occupiers of the proposed development. This would be secured through the Section 106 Agreement, should permission be granted.

22.21 There are a number of public car parks close to the site that could be utilised for the purpose of parking if required:

Car Park	Location	Spaces	Distance from Site (miles)
NCP Epsom High Street	Station Approach	85 including 3 disabled bays	0.1m (2 mins)
West Hill Car Park 24 Hours Mon – Sun	West Street	12 including 2 disabled bays	0.1m (3 mis)
Court Recreation Ground Same Day exit restrictions apply if vehicle enter between hours of 00:01 – 10:00	Court Road	15 (via Court Lane)	0.3m (6 mins)
		50 (via Pound Lane)	0.6m (12 mins)
Ashley Centre 06:00 – 23:00 Mon-Fri	Ashley Avenue	649 including 38 disabled bays	0.2m (5 mis)
Hook Road 06:00 – 23:00 Mon-Fri 07:00 – 20-00 Sat	Hook Road	530 including four disabled bays	0.5m (10 mins)
Town Hall (rear) 24 Hours Mon – Sun	Dulshot Green	85 including 9 disabled bays	0.4m (7 mins)
Upper High Street 24 Hours Mon – Sun	Upper High Street	181 including five disabled bays	0.6m (12 mins)

- 22.22 Given that the site is in a highly sustainable location, with access to a range of non-car modes of transport and that any displacement of vehicles generated by the development would not cause harm to highway safety, would not conflict with the operation of the existing highway network, would not cause any inconvenience to residents above any existing situations and would not cause harm to the overall character and appearance of the surrounding area, Officers consider it that would be difficult to justify the refusal of the application outright on the basis that it would fail to comply with the Council's Parking Standards. However, the failure to provide parking in accordance with policy would represent an adverse material consideration to weigh in the planning balance against other considerations for this application.
- 22.23 The applicant has undertaken to provide a car club bay that will serve the entire town, not just the residents of the proposed development. The County Highway Authority have agreed the location of the proposed car club bay on Station Approach in principle (subject to the detailed design stage with SCC) and management of the car club has been secured by a private car rental company.
- 22.24 The car club bay would be located on the highway of Station Approach, which is a main bus route that is frequently traversed, as it provides access to Epsom Train Station. The west end of Station Approach is one way only, and therefore vehicles would only be approaching the Car Club space from one direction. It has been demonstrated by way of a swept path diagram that both a single decker bus and a double decker bus can safely pass the car club bay when a car is in situ.
- 22.25 The proposed car club bay would be located in close proximity to existing pedestrian crossing with tactile paving, which would provide safe access to/from the proposed development to the car club bay.
- 22.26 The applicant proposes to fund membership to the car club for residents for a period of one year, giving the scheme the best prospect for uptake. After the year, it is intended that the scheme is viable for the private car rental company to continue.
- 22.27 Provision for the storage of 30 cycles is included within the proposal and a condition is recommended to secure this provision prior to occupation. The County Highway Authority have also recommended a condition to secure a scheme for cycle parking for visitors, as the current provision (5 Sheffield stands) is considered to be an inappropriate location, so a revised location is to be agreed.
- 22.28 The applicant has also agreed to provide an electric cycle charger within the site.

22.29 In light of the above and subject to conditions and securing a S278 agreement for the provision and management of the car club space, should permission be granted, the proposal is considered to accord with Policy CS16 of the Core Strategy (2007), Policy DM37 (Parking Standards) of the Development Management Policies Document (2015), the Council's Parking Standards for Residential Development SPD (2015).

23 Refuse and Recycling Facilities

23.1 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.

23.2 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.

23.3 The development would not accommodate for a collection vehicle entering the site. Instead, it is proposed that a collection vehicle would park in the proposal loading bay along Station Approach and Waste Operatives would collect the 1100l bins from the refuse/recycle commercial and residential storage areas facing onto Station Approach. There would be a 3.0 metre distance from the storage area to the loading bay. The County Highway Authority are satisfied that the technical requirements of the loading bay meet regulations and that when occupied, the movement of other vehicles along Station Approach is not obstructed.

23.4 Although it is the intention of the applicant to engage a private refuse/recycling contractor to serve the development, given that the Council has a statutory responsibility to provide these services both domestically and commercially in in event a private contractor fails, the Council's Transport and Waste Services Manager has been consulted on this application.

23.5 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access arrangement, including the gradient of the road.

- 23.6 Although the proposal does not accord with Annex 2 of the Council's Revised Sustainable Design SPD (2016), as a collection vehicle is not able to enter the development, the purpose of this requirement is to prevent the risk of the obstruction of traffic. As the provision of a loading bay outside of the site would prevent the risk of obstructing the traffic, Officers consider that the purpose of the requirement has been met.
- 23.7 As such, Officers are satisfied that the proposed development would meet Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) and the requirements of Annex 2 of the Council's Revised Sustainable Design SPD (2016).

24 Trees and Landscaping

- 24.1 Paragraph 131 of the NPPF 2021 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.
- 24.2 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and
 - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 24.3 The application is accompanied by an Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates, reference SHA 691 Rev C and dated August 2019. The report confirms that whilst there are no trees existing on the site, there are very low-quality small trees and large stumps at the top of the boundary wall, adjacent to the train line at the rear of the site. There are also several mature trees along West Street.

- 24.4 The Council's Tree Officer has thoroughly reviewed the proposal and has outlined concerns in respect of potential damage to the root protection area of a Lime Tree on the West Street frontage, as a result of the impact of the demolition of the existing site building and the significant excavations required to support a development of the height proposed.
- 24.5 Although the submitted Arboricultural Impact Assessment Report does provide a demolition method statement and details of tree protection, the Council's Tree Officer believes this to be inadequate to fully appraise the demolition and construction impacts of the proposed development on the long term health and wellbeing of this tree.
- 24.6 In response, the applicant's Arboriculturist has advised that a detailed Arboricultural Method Statement and Site Supervision Schedule secured as a pre-commencement condition would provide the information required to satisfy the Council Tree Officer's concerns.
- 24.7 Therefore, should planning permission be granted, the Council's Tree Officer has agreed to recommend a condition to secure an Arboricultural Method Statement and a Tree Protection Plan, to ensure that the proposed development would not harm the future health and wellbeing of this existing tree.
- 24.8 The Tree Officer also notes that the site used to contain several trees that overhung the site, which were removed by Network Rail for safety reasons. The Tree Officer has observed that that the proposed development would occupy space that would have accommodated the crowns of the removed trees. As such, the Tree Officer concludes that the proposal would result in direct tree loss that has not been mitigated.
- 24.9 The applicant's Arboriculturist has acknowledged that there have been trees removed in the past from land outside of the applicant's ownership. The applicant's Arboriculturist has confirmed that these trees were in a precarious rooting environment, hence their removal by National Rail. If the existing trees had been present, they would have categories as Category 'U' and therefore unsuitable for retention.
- 24.10 The applicant's Arboriculturist has also confirmed that not only is there no room on the embankment wall to plant further trees, it is unlikely that any trees would thrive in this location for structural reasons.

- 24.11 It is confirmed that there is no room to plant further trees on the site. However, the applicant is open to giving consideration to providing funds to plant a replacement tree off site in the surrounding vicinity, details of which would need to be agreed with the Council's Tree Officer. Should planning permission be granted, it is considered reasonable to recommend a pre-commencement condition to secure further details of hard and soft landscaping to secure these details and to secure the required funds in the Section 106 Agreement.
- 24.12 However, at this time, it cannot be satisfactorily demonstrated that the proposed development would mitigate for the loss of opportunity to provide new tree planting on the site, and this would be a this would represent an adverse material consideration to weigh in the planning balance against other considerations for this application.

25 Biodiversity and Ecology

- 25.1 The Local Planning Authority have a duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 25.2 Paragraph 180 of the NPPF (2021) states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 25.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 25.4 Policy DM4 (Biodiversity and New Development) of the Development Management Policies Document (2015) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 25.5 The application is supported by a Bat Survey Report, prepared by Ethos and dated July 2019 and correspondence also prepared by Ethos dated 27 April 2021, which advises that following a further site visit undertaken in April 2021, the site structures remain unchanged and as such, the findings of the original Bat Survey Report dated July 2019 remain extant.
- 25.6 The Bat Survey Reports conclude that no evidence of bats was found within the existing building and that the building itself contained limited opportunities for roosting opportunities.
- 25.7 Although the Bat Survey Reports identified that Pigeons were found within the building, there were no signs of nesting. Notwithstanding this, a cautious approach has been taken and mitigation measures proposed for precautionary working for breeding birds during the demolition stage.
- 25.8 In terms of habitat, the Bat Survey Reports note that the site offered limited habitat types as a result of the site comprising built form and hard standing.
- 25.9 The Council's Ecology Officer has reviewed the Bat Survey Report and consider it to appropriate in scope and methodology and recommends a condition to secure the mitigation measures as set out in Section 6.0 of the Bat Survey Report, prepared by Ethos and dated July 2019.
- 25.10 Furthermore, in order to provide some biodiversity enhancements at the site, in accordance with the requirements set out in Policy DM4 of the Development Management Policies Document (2015) and paragraph 180 of the NPPF (2021), the Council's Ecology Officer has recommended a condition to secure birds boxes and bat boxes at the site, should permission be granted.
- 25.11 Subject to the abovementioned conditions should permission be granted, the Local Planning Authority are satisfied that they have carried out their duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 25.12 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy (2007), Policy DM4 of the Development Management Policies Document (2015) and the requirements of the NPPF (2021).

26 Sustainability

- 26.1 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 26.2 The application is supported by a Design and Access Statement, prepared by DPA Architecture Ltd, reference 640 605 00, dated July 2019, which (at section 5.2) demonstrates how the proposed development would incorporate a number of sustainability and energy efficiency measures, such as vertical photovoltaic solar panels within the curtain wall system of the proposed building, a Mechanical Ventilation Heat Recovery system that will recover up to 95% of the heat from extracted air and air source heat pumps.
- 26.3 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007)

27 Flood Risk and Surface Water Drainage

- 27.1 Paragraph 167 of the NPPF (2021) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 27.2 Paragraph 169 of the NPPF (2021) sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 27.3 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.

- 27.4 Policy DM19 (Development & Flood Risk) of the Development Management Policies Document (2015) states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.
- 27.5 The site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps. Notwithstanding this, the application is supported by a Flood Risk Assessment.
- 27.6 In terms of fluvial flooding, the site, and therefore the proposed development, would be wholly in Flood Zone 1. As such, the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 27.7 As the proposed development would lie within Flood Zone 1, neither the sequential test or the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' (2017) needs to be carried out
- 27.8 With respect to pluvial flooding, the rear of the site falls partly within a Critical Drainage Area. As the site is currently developed and contains hard surfacing, the proposal would not introduce a new situation on site in terms of impermeability. However, the site proposes to reduce the existing volume of surface water by reducing the impermeable area, therefore providing an improvement to the existing receiving drainage system.
- 27.9 The geology of the site demonstrates that infiltration drainage techniques would not be suitable on the site and therefore attenuation provision is proposed in the form of a system that utilises the roof constriction for the attenuation of rainwater, which is then released at a controlled rate into the existing nearby surface water public sewer network, with any residual storage provided with a below ground geo-cellular attenuation system.
- 27.10 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2021 and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.

27.11 As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy (2007), Policy DM19 (Development and Flood Risk) of the Development Management Policies Document (2015) and the requirements of the NPPF (2021).

28 Land Contamination

28.1 Paragraph 183 of the NPPF (2021) states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

28.2 Paragraph 184 of the NPPF (2021) continues where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner in accordance with paragraph 179 of the NPPF (2021)

28.3 Policy DM17 (Contaminated Land) of the Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

28.4 The application is supported by a Desk Study/Preliminary Risk Assessment Report' (PRA), prepared Jomas (reference P1481J1366/TE v1.0 dated 27 April 2018). This document indicates the proposed development would have a moderate risk to controlled waters from potential ground contamination and recommends an intrusive investigation to further assess this.

28.5 Both the Environment Agency and the Council's Contaminated Land Officer has reviewed this document and have recommended conditions to secure a site investigation scheme, as well as conditions to protect the groundwater source, which in this case is a secondary aquifer within Ground Source Protection Zone 1 (SPZ1),

28.6 If permission is granted, these conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, in this case a secondary aquifer within Ground Source Protection Zone 1 (SPZ1), property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

28.7 The proposal is therefore considered to accord with Policy DM17 (of the Development Management Policies Document (2015) and the requirements of the NPPF 2021.

29 Noise/Disturbance

29.1 Paragraph 185 of the NPPF (2021) states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life.

29.2 As a result of the proximity of the proposed development to the railway line, the application is supported by a Noise and Vibration Assessment, prepared by Entan, dated August 2019, which concludes that thermal and acoustic double glazing would be sufficient to comply with day and night internal noise criteria set out in the relevant British Standard.

29.3 Whilst the Council's Environmental Health Officer agrees with the conclusion and mitigation measures in terms of dominant noise, a further condition is recommended to control the potential noise from future commercial unit extraction and air handling operation.

29.4 Subject to the relevant safeguarding conditions should permission be granted, that there would be no detectable effect on health or quality of life for the future occupiers of the site or neighbouring occupiers due to noise, in accordance with and the NPPF 2021.

30 Archaeology

30.1 Paragraph 194 of the NPPF (2021) states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

30.2 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.

- 30.3 Policy DM8 (Heritage Assets) of the Development Management Policies Document (2015) seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 30.4 The site is located within an Area of High Archaeological Potential, designated around the historic core of Epsom. Although the application is not supported by any archaeological information, as required by paragraph 194 of the NPPF (2021) the County Archaeological Officer has reviewed the scheme and has recommended a condition to secure a Written Scheme of Investigation that outlines the implementation of a programme of archaeological works on site, should permission be granted.
- 30.5 In light of the above, and subject to the recommended condition as set out by the County Archaeologist, Officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Policy CS5 of the Core Strategy (2007), Policy DM8 of the Development Management Policies Document (2015) and the requirements of the NPPF (2021).

31 Impacts Upon Railway Network

- 31.1 As the site lies in close proximity to a railway line, Network Rail have reviewed the proposal and have recommended the addition of informative which requests that the applicant contact Network Rail's Asset Protection and Optimisation (ASPRO) team who will review the details of the proposed development to ensure that it can be completed without any risk to the operational railway.

32 Fire Safety

- 32.1 The Surrey Fire Safety Inspecting Officer has reviewed this proposal and confirmed that it demonstrates compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.

33 Community Infrastructure Levy (CIL)

- 33.1 The proposal will be CIL liable.

34 Legal Agreements

- 34.1 The following site specific and/or financial and infrastructure contributions are required to mitigate the adverse impact of the development:

- The provision of three on-site affordable housing (12% affordable housing). All affordable units are proposed as Discounted Market Sale units.
- Tree replacement; within six months of the occupation of the first dwelling the cost associated with the planting of a replacement tree (location, size, species and cost to be agreed with the Council's Tree Officer) shall be met by the developer.
- S278 agreement for car-club and management; within six months of the occupation of the first dwelling the provision of a car club vehicle for a minimum of one year, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.
- Review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
- No part of the development shall be first occupied unless and until the proposed loading bay has been constructed on Station Approach in general accordance with drawing 182191-001 D.
- Monitoring fee (drafting of Section 106 agreement) of £1,200.

35 Planning Balance

- 35.1 As the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 (d) of the NPPF 2021 is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 35.2 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 35.3 The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This is a significant benefit of the scheme.

- 35.4 The proposal would create short term economic benefits during the construction period and long term employment benefits through the provision of a Class E unit. Furthermore, the proposed development would create more long-term benefits to the local economy due to the increased spending in the area. This is a significant benefit of the scheme.
- 35.5 The proposal would provide a car club bay and the provision and management of a car club scheme for one year, with the intention of the scheme continuing with a local private hire company, that would benefit not only the future residents of the development, but also the wider population. This is considered to be a benefit of the scheme.
- 35.6 The provision of affordable housing in developments is afforded significant weight in the planning balance. However, the level of affordable housing proposed would not accord with the Council's policies in relation to affordable housing. In attributing weight in the planning balance, the provision of three affordable units is considered to be a minor benefit of the scheme.
- 35.7 The proposal would result in less than substantial harm to designated and non-designated heritage assets. Although this harm leads to a presumption against granting planning permission, when the public benefits arising from the proposal are weighed in the balance (giving great weight to the preservation of the heritage asset), the proposed development is considered acceptable in this respect.
- 35.8 The proposal would accord with the Council's policies in relation to ecology, flood risk, surface flooding, noise/disturbance, land contamination and archaeology. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 35.9 The conflict with Policies DM11, DM12 and DM13 of the of the Development Management Policies Document (2015) is attributed minor adverse weight given the Council's position set out in the report entitled "Making the Efficient Use of Land – Optimising Housing Delivery".
- 35.10 The conflict with Policy DM22 Housing Mix is attributed minor adverse weight, as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

- 35.11 The shortfall of on-site car parking spaces would not be policy compliant. However, there is robust justification for the shortfall, given that the site is located within a highly sustainable location with good public transport accessibility. Providing on-site parking provision would not optimise the residential use of the site, an important objective in view of housing need. This policy conflict is therefore attributed minor adverse weight.
- 35.12 It cannot be satisfactorily demonstrated that the proposed development would mitigate for the loss of opportunity to provide new tree planting on the site, and this would be a this would represent an adverse material consideration to weigh in the planning balance against other considerations for this application
- 35.13 Overall, there whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

36 Recommendation

Part A

Subject to a Section 106 Agreement being completed and signed within six months of the date of the resolution by the Planning Committee, under the following heads of terms:

- The provision of three on-site affordable housing (12% affordable housing). All affordable units are proposed as Discounted Market Sale units.
- Tree replacement; within six months of the occupation of the first dwelling the cost associated with the planting of a replacement tree (location, size, species and cost to be agree with the Council's Tree Officer) shall be met by the developer.
- S278 agreement for car-club and management; within six months of the occupation of the first dwelling the provision of a car club vehicle for a minimum of one year, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.
- Review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted

- No part of the development shall be first occupied unless and until the proposed loading bay has been constructed on Station Approach in general accordance with drawing 182191-001 D.
- Monitoring fee (drafting of Section 106 agreement) of £1,200.

The Committee authorise the Head of Planning to grant planning permission, subject to the conditions detailed below:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be carried out in accordance with the following approved plans and reports:

Drawing Number 100.00 - Existing Site Location Plan
Drawing Number 101.00 - Existing Site Block Plan
Drawing Number 102.00 - Existing Floor Plans
Drawing Number 310.00 – Proposed South Elevation
Drawing Number 311.01 – Proposed East Elevation
Drawing Number 312.00 – Proposed West Elevation
Drawing Number 313.00 – Proposed North Elevation
Drawing Number 301.01 – Proposed Site and Ground Floor Plan
Drawing Number 302.01 – Proposed First Floor Plan
Drawing Number 303.01 – Proposed Second Floor Plan
Drawing Number 304.01 – Proposed Third Floor Plan
Drawing Number 305.01 – Proposed Fourth Floor Plan
Drawing Number 306.01 – Proposed Fifth Floor Plan
Drawing Number 307.01 – Proposed Sixth Floor Plan
Drawing Number 308.00 – Proposed Seventh Floor Plan
Drawing Number 309.01 – Proposed Site and Roof Plan
Drawing Number 315.00 – Proposed Site Section
Drawing Number 314.01 – Proposed Street Scene
Drawing Number 182191-001 Rev D - Proposed Delivery Access Arrangements
Fire Risk Assessment entitled '622466-MLM-ZZ-XX-CO-YF-0001-REV01' (Nov 2020)
Arboricultural Impact Assessment entitled SHA 691 REV D (Oct 2020)

Daylight/Sunlight Assessment entitled 'RC/ROL00282 (14 Oct 2020)
Preliminary Risk Assessment entitled 'P1481J1366/TE' (APRIL 2018)
Flood Risk Assessment entitled 'NO. 182191-02' (July 2019)
Transport Assessment entitled 'NO. 182191-01B' (Nov 2020)
Noise and Vibration Assessment E2660 (August 2019)

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy (2007).

4. Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies (2015).

5. Prior to the commencement of development, section drawings through parapets, eaves, reveals, lintel, sills and supporting columns on ground floor corner at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies (2015).

6. Prior to the commencement of works a mock-up shall be prepared on site which shall include example of all external surfaces and materials as well examples of junctions, cladding fixings, reveals, soffits, parapets as well as junctions or junctures around these surfaces especially on balcony surfaces. This mock-up shall be approved by the local planning authority and shall retained on site. Now work shall be carried out otherwise than as to conform to this approved mock-up.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies (2015).

7. No development, above ground floor slab level, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. This must include:
- a) details of adequate impact resistant and braced tree protection barriers required for T7 including any integrated walkways.
 - b) details of any retaining structure and changes of level required within the RPA of T7 and how these can be implemented without tree damage
 - c) schedule of proposed arboricultural monitoring of demolition/construction activity within the RPA of adjoining trees.
 - d) details of the reporting of arboricultural monitoring of the above to the LPA.
 - e) foundation details of the stilts.
 - f) details of tree protection from underground utility connections

The scheme shall indicate the location and species of plants and trees to be planted on the site and off site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies (2015).

8. No demolition or development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. For clarity, the following is required:
- a) a plan showing the position and specification of heavy duty tree protection barriers as fencing to protect retained trees on and adjacent to the site

- b) details on all underground service within the root protection area (RPA) of the Lime tree and measures for construction methods to prevent root damage
 - c) details of all level changes within RPA of the Lime tree and measures of construction methods to prevent root damage
 - d) details of all construction activity (including foundations and any sheet piling) both above and below ground within RPA of the Lime and measures of construction methods to prevent root damage
 - e) details of all hard surface treatments both above and below ground within RPA of the Lime and measures of construction methods to prevent root damage
 - f) a programme of arboricultural supervision and reporting of tree protection measures to the LPA
9. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of demolition/development until tree protection barriers have been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The tree protection barriers shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To ensure the provision, establishment and protection of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies (2015).

10. No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies (2015).

11. The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site for residents have been provided in accordance with the approved

plans, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

12. The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site for visitors has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reasons: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

13. No development shall commence until a Construction Transport Management Plan, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) HGV deliveries and hours of operation
 - g) vehicle routing
 - h) measures to prevent the deposit of materials on the highway
 - i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - j) on-site turning for construction vehicles
 - k) measures to ensure the footway/ cycleway are not obstructed during construction

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of

the Development Management Policies (2015) and Policy CS16 of the Core Strategy (2007).

14. The development hereby approved shall not be first occupied unless and until the existing access from the site to Station Approach has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

15. The development hereby approved shall not be first occupied unless and until the required Traffic Regulation Order for the proposed loading bay has been designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

16. Within six months of first occupation the required Traffic Regulation Order for the proposed car club bay shall be designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

17. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge.

- b) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc).
- c) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies (2015).

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies (2015).

19. No piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water and the Environment Agency. This method statement will include –
- a) the methods to be used
 - b) the depths of the various structures involved
 - c) the density of piling if used
 - d) details of materials to be removed or imported to site.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) a site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) the results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021.

22. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021).

23. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021).

24. The development hereby permitted shall be constructed in accordance with the identified mitigation outlined in the submitted noise and vibration assessment. Prior to occupation of the site, the applicant shall submit evidence to the local planning authority that this mitigation has been installed and/or commissioned as necessary.

Reason: To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

25. No development shall take place until a scheme for the suitable treatment of all plant and machinery/air handling equipment against the transition of sound and/or vibration has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict

accordance with the approved details prior to the occupation of the development and thereafter retained as such.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies (2015).

26. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document (2015).

27. No development shall take place until the applicant has secured the implementation of a programme of archaeological work to be conducted in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority

Reason: To ensure archaeological investigation recording in accordance with Policy DM10 of the Development Management Policies Document (2015)

28. Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to occupation of the new development, in accordance with current best practice guidance:

a) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.

b) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in

accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

- c) if, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

- 29. The development hereby permitted shall be carried out in strict accordance with the recommendation set out in Section 6.0 of the Bat Survey Report, prepared by Ethos and dated July 2019.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- 30. No development shall commence on site until details of the siting and scale of bird boxes and bat boxes are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- 31. The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, dated October 2020, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

- 32. All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy CS6 (Sustainability in New development) of the LDF Core Strategy (2007).

33. All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

Reason: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

34. Prior to occupation, all dwellings hereby approved shall comply with Regulation 38 of the Building Regulations – Fire Safety.

Reason: In order to comply with Policy CS6 (Sustainability in New development) of the LDF Core Strategy (2007).

INFORMATIVE(S)

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

4. The scheme to implement waiting restrictions or other relevant works to regulate or restrict the operation of the highway shall first require a Traffic Regulation Order or Notice prior to use. The alteration of the Traffic Regulation Order or creation of a new Order or Notice is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made. In the event that the implementation of waiting restrictions or other works requiring an Order or Notice is not successful due to unresolved objections the applicant shall submit an alternative scheme to the Local Planning Authority for its approval prior to first occupation of the development. Any alternative scheme or works shall be implemented prior to the occupation of any dwellings to the satisfaction of the Local Planning Authority.
5. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
6. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County

Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. The developer is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.

Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

10. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Should you require further information please contact Thames Water.
Email: developer.services@thameswater.co.uk

11. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries, please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

12. Future maintenance - The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.
13. Plant & Materials: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
14. Drainage: Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

15. Scaffolding: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
16. Piling: Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
17. Fencing: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
18. Lighting: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
19. Noise and Vibration: The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

20. Vehicle Incursion: Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
21. Landscaping: Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.
22. Existing Rights: The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.
23. The application site is adjacent to Network Rail land required for the future delivery of Crossrail 2 which would mean a higher frequency of trains operating out of Epsom Station than at present.
24. Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order.
25. Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
26. Fire safety information in accordance Regulation 38 of the Building Regulations should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will

need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.

27. Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. It is recommended that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.
28. Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to: protect life; protect property, heritage, the environment and our climate; help promote and sustain business continuity; and permit design freedoms and encourage innovative, inclusive and sustainable architecture.
29. The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.
30. The applicant is advised that prior to the first occupation of any part of the development hereby approved, details of the measures to be incorporated within the development to minimise the risk of crime to a level that would achieve Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. The security measures shall be installed within each dwelling, in accordance with the approved details prior to the occupation of that dwelling and confirmation that Secured by Design accreditation has been achieved shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the occupation of the final dwelling. The development shall be retained as such thereafter.

Part B

In the event that the Section 106 Legal Agreement referred to in Part A is not completed within six months of the date of the resolution by the Planning Committee, the Head of Place is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) in relation to the provision of housing or a commuted sum in-lieu of the on-site provision of affordable housing.

This page is intentionally left blank

The Ashley Centre, High Street, Epsom, Surrey, KT18 5AB

Ward:	Town Ward
Site:	The Ashley Centre High Street Epsom Surrey KT18 5AB
Application for:	Alterations and improvements to the East Entrance, including new paving, over-cladding to elevations, new aluminium framed sliding doors, new lighting features, signage zones and associated works
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QPA6A9GYK1A00>

2 Summary

- 2.1 This is a minor planning application, which has been called in to Planning Committee by Councillor Dallen on 24.10.2021, due to the Application's potential impact on the Town Centre Conservation Area, failing to comply with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies Document (2015).
- 2.2 The proposal seeks to refurbish the existing East Entrance of The Ashley Centre, which fronts the High Street to the north. The proposed development forms part of a wider, largely internal refurbishment of The Ashley Centre (note that internal works do not require planning permission).
- 2.3 In light of the challenges emanating from the Covid-19 pandemic, the proposal seeks to improve the entrance of The Ashley Centre, to improve the legibility and attractiveness of this, to draw shoppers in, benefiting the wider town centre. For clarity, the proposal would not result in the loss of retail floorspace within the Primary Shopping Area.
- 2.4 The design of the proposal has evolved to respond to comments raised by the Local Planning Authority's Design and Conservation Officer, which resulted in several, considered iterations, to reach the final proposed design.

2.5 The Local Planning Authority's Design and Conservation Officer has not identified any harm to the heritage asset as a result of the proposal. As no harm has been identified, it is not necessary to weigh up the public benefits against any identified harm. The proposal would therefore be in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) and Policy DM8 of the Development Management Policies Document 2015.

2.6 Officers recommend the application for approval, subject to Conditions and Informatives.

3 Site description

3.1 The Application Site ('Site') comprises the East Entrance of The Ashley Centre, within Epsom's town centre. The Site is one of three main pedestrian access points to The Ashley Centre and is situated to the north of the shopping centre.

3.2 The Site is predominately surrounded by retail units, with the East entrance providing key access to retail units within The Ashley Centre itself.

The Site is designated:

- As a Primary Shopping Area
- Within Epsom Town Centre Conservation Area
- Within an Area of High Archaeological Potential.

3.3 The Site is not Listed, but it is located in proximity to Listed Buildings, including at 72 High Street, 74-76 High Street, 107 High Street, and 109-113 High Street.

Proposal

3.4 The proposal seeks to refurbish the existing East Entrance of The Ashley Centre, which fronts the High Street to the north.

3.5 The proposed development forms part of a wider, largely internal refurbishment of The Ashley Centre (note that internal works do not require planning permission).

4 Comments from third parties

4.1 The application was advertised by means of letters of notification to 36 neighbouring properties. The application was advertised on 18.03.2021 and again on 05.10.2021.

4.2 2 objections were originally received, following consultation on 18.03.2021, regarding:

- Paving
- Design

4.3 2 objections, including an objection from the Epsom Civic Society, were received, following consultation on 05.10.2021, regarding:

- Design

4.4 An updated Site Notice was displayed on 08.10.2021. The Application was advertised in the local paper.

5 Consultations

- 5.1 Surrey County Council Archaeology: no objections
- 5.2 Surrey County Council Highways: no objection
- 5.3 EEBC Design and Conservation Officer: no objection

6 Relevant planning history

- 6.1 There is an extensive planning history relating to the Ashley Centre. However, there is no recent (within 5 years) or relevant planning history relating to the entrances of the Ashley Centre, of relevance to this proposal.

7 Planning Policy

National Policy Planning Framework (NPPF) 2021

- Chapter 7 Ensuring the vitality of town centres
- Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

- Policy CS5 The Built Environment

Development Management Policies Document 2015

- Policy DM8 Heritage Assets
- Policy DM9 Townscape character/distinctiveness
- Policy DM10 Design for new developments

Plan E 2011

- Policy E9

Shopfront Design Guide - Supplementary Planning Document May 2012

Epsom Town Centre Conservation Area Character Appraisal (2009)

8 Planning considerations

Principle of development

- 8.1 Policy CS14 states that measures to improve Epsom town centre, including new development, will be encouraged especially where they help it to adapt and reinforce its role in meeting the needs of the local community and acting as a focus for a range of activities (including retail, cultural, business, leisure and residential) and where they recognise and build on the distinctive character of the place.
- 8.2 Paragraph 81 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt.
- 8.3 Paragraph 86 of the NPPF sets out that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 8.4 The proposal seeks to refurbish the existing East Entrance of The Ashley Centre, forming part of a wider, largely internal refurbishment of the shopping mall (note that internal refurbishment does not require planning permission).

- 8.5 In light of the challenges emanating from the Covid-19 pandemic, the proposal seeks to improve the entrance of The Ashley Centre, to improve the legibility and attractiveness of this, to draw shoppers in, benefiting the wider town centre. For clarity, the proposal would not result in the loss of retail floorspace within the Primary Shopping Area.
- 8.6 The proposal is considered to accord with Policy CS14 and paragraphs 81 and 86 of the NPPF, by encouraging improvement of the entrance of the shopping mall, to encourage pedestrian footfall, benefiting the wider town centre.

Design and heritage

- 8.7 Policy CS5 requires development proposals to protect and enhance the Borough's heritage assets, including historic buildings and conservation areas. High quality and inclusive design will be required for all developments.
- 8.8 Policy DM8 seeks to resist the loss of Heritage Assets and sets out that every opportunity to conserve and enhance them should be taken by new development.
- 8.9 Policy DM9 states that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 8.10 Policy DM10 requires development proposals to incorporate principles of good design.
- 8.11 Policy E9 requires high quality, well designed and well-connected public realm, to improve the character, appearance and overall attractiveness of the Town Centre. Proposals for new development will, where appropriate deliver (inter alia):
- The rationalisation of existing street furniture and paving
 - Improvement to the visual appearance of buildings in the Town Centre, particularly those within the Conservation Area.
- 8.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving or enhancing the character and appearance of the area.
- 8.13 Paragraph 195 of the NPPF sets out that Local planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.14 Paragraph 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.15 Paragraph 201 of the NPPF sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 8.16 Paragraph 202 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.17 The application of the statutory duties within 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 8.18 The Ashley Centre is not listed, but there are several statutorily listed buildings nearby, including:
- 107 High Street and 109-113, located directly to the west of the Site and are both grade II listed (ListEntries: 1028565 and 1213134 respectively)
 - The Epsom School of Art Extension, located opposite the site at 74-76 High Street and is grade II listed (List Entry: 1213288).
- 8.19 The Site is located within the Epsom Town Centre Conservation Area. The Epsom Town Centre Conservation Area Character Appraisal (2009) notes that The Ashley Centre is responsible for much of the bustling character of Epsom.
- 8.20 The design of the proposal has evolved during the determination period of this application, as the Applicant responded to comments from the Local Planning Authority's Design and Conservation Officer. Amended (and final) drawings were formally submitted on 30.09.2021, with an accompanying cover letter and "planning response" document. For clarity, re-consultation took place on these drawings.
- 8.21 The below sets out how the Applicant has amended the scheme to address previous concerns raised by the Local Planning Authority's Design and Conservation Officer.

Mix of elements

- 8.22 The Local Planning Authority's Design and Conservation Officer considered that the original proposal had resulted in a mix of elements on the front elevation, including altering elements of it, which would result in a building that would be even more out of place within the street.
- 8.23 The amended (and final) proposal seeks to retain brick treatment to the flank elevations, to reflect surrounding buildings and ensure that the turret stands out as a more distinctive feature given the Portland Stone effect Glass Reinforced Concrete (GRC) used on that element.
- 8.24 The amended (and final) proposal's windows include new white frames, glazing bars and glazing. The windows on the flank walls have been designed to reflect those of adjoining buildings. The proposed new windows would be consistent with the size and proportion of the existing windows, in response to the Local Planning Authority's Design and Conservation Officer's comments.
- 8.25 In terms of the faux windows, the rationale for this is that the existing windows are currently blocked out with stocked items in the storage space behind. Faux windows are proposed, as a solution to this, but also to keep the rhythm and the façade elements, tidying up the elevation.

- 8.26 In response to the Local Planning Authority's Design and Conservation Officer's comments, mid-level aluminium detail has been introduced to break the fascia element, to reduce the apparent height of the fascia, mirror the height of adjacent facias and improve its outward appearance.

Illumination

- 8.27 Lighting has been limited to the turret feature and light boxes to the adjacent windows. The proposed illumination of the light boxes would be muted.

Re-paving

- 8.28 Proposed re-paving on the public highways has been removed, in response to comments from Surrey County Council Highways. New paving is now proposed to be provided in the foreground to meet the Highway Authority land, at the ownership boundary.

Local Planning Authority's Design and Conservation Officer comments

- 8.29 The Local Planning Authority's Design and Conservation Officer provided a formal response on 11.11.2021. It sets out that the updated (and final) drawings address previous concerns, particularly in drawings AP(02)1044 Rev 02 and AP(02)1045 Rev 02, with the narrower fascia and slightly projecting but flat "cornice".
- 8.30 The other updated (and final) drawings appear to show (in the sections) metal or plastic box facias signs on the outside of the external face of the building. These are shown in drawings AP(02)1044 Rev 04 and AP(02)1045 Rev 04. Any such fascia signs should be agreed in a separate application for advertisement consent and be in accordance with the shopfront design guide.
- 8.31 It is recommended that the proposal is approved, with the condition that this is in accordance with drawings AP(02)1044 Rev 02 and AP(02)1045 Rev 02.
- 8.32 There is no further objection as the basic character of the gateway to the shopping centre is not significantly altered in a way that would cause more harm to the character of the local area and its heritage assets.

Officer comments

- 8.33 The design of the proposal has evolved to respond to comments raised by the Local Planning Authority's Design and Conservation Officer. The proposal seeks to create an updated design to an outdated entrance, with treatment that draws on surrounding buildings.
- 8.34 The Local Planning Authority's Design and Conservation Officer has not identified any harm to the heritage asset as a result of the proposal. As no harm has been identified, it is not necessary to weigh up the public benefits against any identified harm. The proposal would therefore be in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) and Policy DM8 of the Development Management Policies Document 2015.

Highways (paving)

- 8.35 Proposed re-paving on the public highways has been removed, in response to comments received from Surrey County Council Highways and the Local Planning Authority's Leisure & Leisure Contract Manager. New paving is proposed to be provided in the foreground to meet the Highway Authority land, at the ownership boundary. Surrey County Council Highways provided an updated response on 11.11.2021, setting out that the application would not have a material impact on the safety and operation of the adjoining public highway. Informatives are recommended, should planning permission be granted.

Conclusions

- 8.1 The principle of development is accepted. In light of the challenges emanating from the Covid-19 pandemic, the proposal seeks to improve the entrance of The Ashley Centre, to improve the legibility and attractiveness of this, to draw shoppers in, benefiting the wider town centre.
- 8.2 The design of the proposal has evolved to respond to comments raised by the Local Planning Authority's Design and Conservation Officer. The proposal seeks to create an updated design to an outdated entrance, but with treatment that draws on surrounding buildings. The design is considered acceptable.
- 8.3 Officers recommend the application for approval, subject to Conditions and Informatives.

Community Infrastructure Levy

- 8.4 N/A

9 Recommendation

- 9.1 Grant planning permission, subject to the following Conditions and Informatives:

Condition(s):

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2.The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan (drawings ref. AP(02)1000P03)
 Existing Ground Floor Plan (drawings ref. 3822-AP(02)1041P02)
 Existing First Floor Plan (drawings ref. 3822-AP(02)1042P02)
 Existing Ground Floor Reflected Ceiling Plan (drawings ref. 3822-AP(02)1043P02)
 Existing Elevations (drawings ref. 3822-AP(02)1044P02)
 Existing Sections (drawings ref. 3822-AP(02)1045P02)
 Entrance Refurbishment: Planning Response (drawings ref. 3822-LJA-Z2-XX-RP-A-0014, Rev 01)
 Proposed Ground Floor Plan (drawings ref. 3822-AP(04)1041P03)
 Proposed First Floor Plan (drawings ref. 3822-AP(04)1042P03)
 Proposed Ground Floor Reflected Ceiling Plan (drawings ref. 3822-AP(04)1043P04)
 Proposed High Street Elevation (drawings ref. 3822-AP(05)1044P04)
 Proposed Elevations (drawings ref. 3822-AP(05)1044P02)
 Proposed Sections (drawings ref. 3822-AP(06)1045P04)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

3. Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

4. No development shall take place on site until:

(a) an external lighting scheme has been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination.

(b) the external lighting scheme has been installed, maintained and operated in accordance with the approved details.

Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties / visual amenity / highway safety **** in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

5. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

Informative(s):

- 1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- 2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts.
- 3) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 4) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

- 5) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

This page is intentionally left blank

Clayhill Lodge, West Hill, Epsom, Surrey, KT19 8JP

Ward:	Stamford Ward
Site:	Clayhill Lodge West Hill Epsom Surrey KT19 8JP
Application for:	Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 This application has been called to Planning Committee by Cllr Bridger, on the following grounds:
- Heritage impacts, contrary to Policy CS5 of the Core Strategy (2007) and Policy DM8 of the Development Management Policies Document (2015)
 - Backland development, contrary to Policy DM16 of the Development Management Policies Document (2015)
 - Massing of proposed development, contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015).
- 2.2 The approach to decision making set out in paragraph 11(d) of the NPPF applies because of the Housing Delivery Test position and because of the absence of a five-year housing land supply. In these circumstances, the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3 The proposal would provide two benefits: the provision of five houses and employment during construction.

- 2.4 In this case, the amount of development proposed would go beyond optimising the potential of the Site, with a high proportion of the Site being occupied by built form, with inadequate private and public amenity spaces, amounting to an overdevelopment. It would not represent good design because it seeks overdevelopment that would be harmful to the character and local distinctiveness of the area. Whilst there is an architectural connection to adjacent flatted developments, this would not justify the scheme failing to represent good, considered design, or the failure to create an opportunity to improve the character and quality of the area. Indeed, combined with Birchdene and Court Lodge, the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area. The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).
- 2.5 The proposal would not meet minimum private amenity space requirements, set out in local planning policy. The Covid-19 pandemic has highlighted the need for good-quality private amenity space. This is an overdeveloped site and the tightly constrained amenity spaces would unlikely be usable for future residents, specifically the ground floor front gardens, which are squeezed between car parking spaces. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015).
- 2.6 The proposal fails to provide adequate amenity space for considered tree planting and growth. The proposal is considered to conflict with Policy DM5 of the Development Management Policies Document (2015).
- 2.7 The public benefits of this scheme are not considered to outweigh the adverse impacts, when considered against the NPPF as a whole. Officers recommend refusal of this planning application.

3 Site description

- 3.1 The Application Site ('Site') comprises land with an existing outbuilding and garden, originally forming part of the grounds to Clayhill Lodge. The overall Site measures approximately 0.11 hectares (0.27 acres) and is accessed via an existing access road, Court Lane.
- 3.2 The Site is bound by Birchdene, a three-storey flatted development to the north, Court Lane to the east, residential dwellings to the south and Clayhill House, a residential dwelling to the west. To the north-west of the Site is a historic brick wall.
- 3.3 The Site is located less than 0.5k from Epsom train station and in close proximity to bus stops, located on the B280 (approximately 1.6 kilometres from the Site, or a three minute walk).
- 3.4 The Site is designated within the Built Up Area. It is not listed, but it is within the Stamford Green Conservation Area. The area lies within the buffer of a Medium Gas Main.
- 3.5 The Site is located within Flood Zone 1 (low probability of flooding).

4 Proposal

- 4.1 The proposal seeks to demolish an existing single storey outbuilding and erect five terraced houses, with car parking and a cycle store. The proposal also seeks associated landscaping works.
- 4.2 The proposed terraces measure approximately 9.55 meters in height, 14.5 meters in width and 46.73 meters in depth. These are positioned approximately 3.5 meters from the house at Clayhill Lodge, 22.284 meters from the Birchdene development and 40.05 meters from Court Lodge.
- 4.3 The proposal equates to 43 dwellings per hectare (dph) (site area: 0.1158ha/5 units = 43 dph).
- 4.4 The proposal seeks two car parking spaces per dwelling, providing a total of ten car parking spaces. Each dwelling would also be provided with two cycle parking spaces. The Site includes an existing access road which forms part of the Birchdene development, which would remain as part of this proposed development.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 62 neighbouring properties. 110 letters of objection have been received regarding:

- Loss of a historic garden
- Overdevelopment/density
- Design
- Impact on character
- Impact on Conservation Area and listed wall
- Impact on neighbouring amenity
- Accommodation mix
- Private amenity space provision
- Traffic and car parking
- Trees and landscaping
- Ecology and biodiversity
- Refuse
- Flood risk and drainage

Epsom Civic Society (28 March 2021)

- Loss of a historic garden
- Impact on Conservation Area and listed wall
- Private amenity space provision
- Overdevelopment/density

Friends of Clayhill Green (16 March 2021, 24 March 2021, 26 March 2021, 14 April 2021, 22 April 2021, 23 April 2021, 28 April 2021)

- Impact on Conservation Area and listed wall
- Trees and landscaping
- Refuse and waste
- Traffic and car parking

- 5.2 Re-consultation took place on amended plans on 8 July 2021. 9 letters of objection have been received regarding:

- Overdevelopment/density

- Design
- Impact on neighbouring amenity
- Refuse and waste
- Private amenity space provision
- Traffic and car parking
- Flood risk and drainage
- Noise and disturbance

Friends of Clayhill Green (15 July 2021, 01 August 2021, 23 August 2021, 08 September 2021)

- Refuse and waste
- Trees and landscaping
- Ecology and biodiversity

5.3 Re-consultation took place on amended plans on 18 October 2021. The application was advertised by means of letters of notification, the application was re-advertised in the local paper and a new site notice was generated. 8 letters of objection have been received regarding:

- Private amenity space provision
- Impact on Conservation Area and listed wall
- Traffic and car parking
- Ecology and biodiversity

6 Consultations

SCC Archaeology: no objection

SCC Highways: no objection

EEBC Tree Officer: objection

EEBC Environmental Health: no comment received

EECB Ecology: no objection, subject to conditions

EECB Design and Heritage: no objection, subject to conditions

EECB Refuse and Waste: no objection

7 Relevant planning history

7.1 There is an extensive planning history relating to the Site. The below sets out recent (within five years) and relevant planning history.

- Application 20/00031/FUL for 'Demolition of two dwellings and one outbuilding. Construction of one four storey flatted development comprising a mix of 1, 2 and 3 bed units totalling 14 flats, and one three to three and a half storey terrace comprising 9 no. 3 bedroom houses. Construction of associated landscaping works. (Amended layout received 05.03.2021)'. Status in pending.

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

CS2	Conserving and Enhancing Open Space and Landscape Character
CS3	Biodiversity and Designated Nature Conservation Area
CS4	Open Spaces and Green Infrastructure
CS5	Conserving and Enhancing the Quality of the Built Environment
CS6	Sustainability in New Developments
CS7	Providing for Housing and Employment Development
CS8	Broad Location of Housing Development
CS9	Affordable Housing and meeting Housing Needs
CS16	Managing Transport and Travel

Development Management Policies Document November 2015

DM1	Extent of the Green Belt
DM4	Biodiversity and New development
DM5	Trees and Landscape
DM8	Heritage Assets
DM9	Townscape Character and Local Distinctiveness
DM10	Design Requirements for New Developments (including House Extensions)

DM12	Housing Standards
DM13	Building Heights
DM16	Backland development
DM17	Contaminated Land
DM21	Meeting Local Housing Needs
DM24	Employment Uses Outside of Existing Employment Policy Areas
DM36	Sustainable Transport for New Development

Stamford Green Conservation Area Character Appraisal and Management Proposals (October 2007)

Parking Standards for Residential Development Supplementary Planning Document (2015)

9 Planning considerations

Principle of Development

Back land development

- 9.1 Concerns have been received setting out that this proposal constitutes back land development, as the Site originally formed part of the garden of Clayhill Lodge, a large detached dwelling set adjacent to Clayhill Green.
- 9.2 Officers have considered this. The proposed development would be accessed off Court Lane, which does not serve Clayhill Lodge. Whilst this is a proposal within the original rear garden of Clayhill Lodge, due to the separate access (which serves the more recent flatted development too), it is not considered to constitute back land development.

Housing provision

- 9.3 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.4 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 9.5 The NPPF seeks sustainable development. Paragraph 11 sets out the decisions should apply a presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (includes where a LPA cannot demonstrate a five year supply of deliverable housing sites), granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.6 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.7 Policy DM11 sets out that the Council will, in principle, support proposals for new housing that makes the most efficient use of development sites located within the Borough's existing urban area.
- 9.8 The Standard Method Calculation indicates a high demand for new housing in the new plan period. Due to designations, primary constraints and overall land supply, there is a need to assess how every site can be optimised within the Borough.
- 9.9 The Site is designated as a Built Up Area, which is considered suitable for residential development, in line with Policy CS8. It is in a typically residential area, lending itself to residential development.
- 9.10 In summary, the principle of residential development at the Site is considered acceptable, given that it is designated as a 'Built Up Area' and located within a residential area. It complies with Policy CS8 of the Core Strategy (2007).

Affordable Housing

- 9.11 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 127 of the NPPF sets out that planning decisions should (inter alia) optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 9.12 Chapter 5 of the NPPF encourages the delivery and supply of homes. Paragraph 63 of the NPPF sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
- 9.13 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. New housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities. Residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable.
- 9.14 The proposal is not subject to the provision of affordable housing as it is not classified as a major planning application. It is approximately 0.11 hectares (0.27 acres) in size and proposes five residential dwellings, falling below the threshold of affordable housing provision.

Design and Heritage

- 9.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

- 9.16 The NPPF attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.17 Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.18 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.19 The application of the statutory duties within 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 9.20 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. The settings of these assets will be protected and enhanced. The policy also sets out that high quality and inclusive design will be required for all developments. Developments should (inter alia) create attractive, functional and safe environments, reinforce local distinctiveness and complement the attractive characteristics of the Borough and make efficient use of land.
- 9.21 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.22 Policy DM8 sets out that the Local Planning Authority will resist the loss of Heritage Assets and every opportunity to conserve and enhance these should be taken by new development.
- Dimensions and separation distances*
- 9.23 The proposal seeks a linear arrangement of five, two/three-storey terraced houses within the Site. The proposed terraces measure approximately 9.55 metres in height, 14.5 metres in width and 46.73 metres in depth.

9.24 The proposed terraces are positioned approximately 3.5 metres from the house at Clayhill Lodge, 22.284 metres from the Birchdene development and 40.05 metres from Court Lodge.

9.25 The development at Birchdene measures approximately 9.75 metres in height, 22.65 metres in width and 46.8 metres in depth. The development at Court Lodge measures approximately 9.5 metres in height, 22.02 metres in width and 38.48 metres in depth.

Design and Access Statement

9.26 The accompanying Design and Access Statement (DAS) provides the design approach for this proposal.

Relationship to surrounding developments

9.27 The DAS sets out that the existing Birchdene three-storey flatted development sits much lower in height than the house at Clayhill Lodge. This allows this proposal to sit lower than the house at Clayhill Lodge, respecting the bulk and massing of the surrounding properties. The proposed dwellings have been orientated to face the Birchdene three-storey flatted development, providing passive surveillance and limiting overlooking to the house at Clayhill Lodge.

9.28 The DAS sets out that the main mass of the proposed building is concentrated towards the rear (west), backing towards the house at Clayhill Lodge. The building form is articulated and stepped, to soften the proposal's relationship with adjacent properties and the wider street scene.

Design and materials

9.29 The DAS illustrates that there is further articulation to each dwelling, to result in a clear division of units. The articulation breaks up the façade, as well as creating front courtyards, which provides enclosure and private amenity space. A traditional 'Dutch roof' design is proposed, for the third-storey, providing a distinctive design.

9.30 The DAS illustrates that the application of material to the front façade of the terraces provides a series of undulating projections, which complement the curved form of the existing Birchdene and Court Lodge developments. The rear elevation of the terraces is also fragmented, to allow roof lights to bedrooms.

9.31 The DAS sets out that brick and render are the most commonly used materials at the adjacent dwelling (the house at Clayhill Lodge) and so it is proposed to continue this aesthetic, to help connect the proposed development to the surrounding area. A more traditional red brick is proposed to the rear elevation of the proposed terraces, facing the house at Clayhill Lodge and Clayhill Green. The DAS considers this more sympathetic with surrounding properties and the historic Wall, which bounds the Site.

9.32 The DAS sets out that towards the front of the Site, white render and buff brick is proposed, to associate the proposal to the contemporary Birchdene and Court Lodge developments.

Scale and massing

9.33 The DAS sets out that the first and second storey of the proposed dwellings are designed to replicate the curved forms implemented on the neighbouring developments, Birchdene and Court Lodge.

Heritage

- 9.34 The DAS contains a Heritage Statement. It seeks to detail the key buildings and spaces that form the context to the Site. By identifying and understanding the historic development of the surrounding built environment, the scheme was developed, aiming to contribute positively to the Stamford Green Conservation Area.
- 9.35 The DAS sets out that Clayhill Lodge is not listed or locally listed. Whilst Clayhill Lodge is over 80 years old, it is not considered to be a designated heritage asset. The building has been extended and altered over the years and sits on a site originally used for greenhouses to Westhill House.
- 9.36 The DAS sets out that Clayhill Green lies on the eastern side of the Stamford Green Conservation Area, acting as “a transitional area between the town centre and Epsom Common”. The green is enclosed and defined by a mix of 19th and 20th century buildings, which are predominantly dwellings. On the south side of West Hill, and to the north-west of Clayhill Green, the buildings are positioned in regimented lines and are closely distributed. To the east of the green, where this Site is located, there are only four dwellings, which have an informal layout, with irregular spacing between them.
- 9.37 The DAS sets out that to the south of Clayhill Lodge are four properties. Allonby, Friar’s Cottage and Cedar Cottage first appear on maps in the early 1970’s. The Sidings, which sits between Allonby and Friar’s Cottage, was constructed more recently, following planning permission being granted in 2008.
- 9.38 The DAS sets out that 38 West Hill (West Hill Cottage) is the closest listed building to the Site and easily identifiable with weather-boarded elevations and unusual round-headed sash windows. The Conservation Area Appraisal notes its attractive central porch built from trellis.
- 9.39 The DAS sets out that the wall that forms the boundary between Clayhill Lodge, Allonby and Clayhill Green is identified within the Conservation Area Appraisal as potentially available for Local Listing. This wall, which is constructed of soft red brick with blue brick headers, probably dates back to the 18th century. In some instances the historic wall extends to over three meters in height and it has a strong contribution to the character of Clayhill Green.
- 9.40 The DAS sets out that the proposed development is located on the eastern side of Clayhill Lodge. This opens a considerable gap between the new dwellings and Clayhill Green. Due to the height of the historic wall, only limited views of the development would be possible. Where such views can be glimpsed, they will be restricted to sections of roof, clad sympathetically in slate.

Local Planning Authority’s Design and Conservation Officer

- 9.41 The Local Planning Authority’s Design and Conservation Officer formally commented on this application, on 11 August 2021 (updated 21 September 2021). The comments set out that there are no Listed Buildings on the Site, through there are a number nearby, the closest being West Hill Cottage. The proposal would not affect the setting of this building. The proposed development is within the Stamford Green Conservation Area.

Heritage

- 9.42 The comment sets out that unlike the other proposal, ref: 20/00031/FUL, this application does not require the demolition of Clayhill Lodge, which should be regarded as a benefit of this scheme, in comparison to scheme ref: 20/00031/FUL. Clayhill Lodge forms a prominent and substantial feature on the northern corner of Clayhill Green, but it is not identified as a building of significance in the Conservation Area Appraisal. Whilst this building is not statutory or locally listed, nor is it regarded as a positive building in the Conservation Area appraisal, it does have some architectural, historic merit, with a strong arts and crafts design. The proposal does also not seek the demolition of Allonby, which is a post-war, sub-urban two-storey property, characteristic of much of the C20 development around Clayhill Green, of little Conservation significance.
- 9.43 The comment sets out that the Site's boundary wall, which is not listed or locally listed, but an C18 or early C19 wall should be regarded as of significance in the Conservation Area. But the proposal is not located too close to the wall to materially harm it.
- 9.44 The Grade II Listed West Hill Lodge and locally Listed Archway across Meadway are both opposite the Site and face the boundary wall and entrance to the Site. These should both be regarded as significant within the Conservation Area and the proposed development would have some impact on their setting. The locally Listed bridge is early C20 and connected to two houses either side. It is clearly a single composition and should all be regarded as of heritage significance. The scale of development is reduced (in comparison to scheme ref: 20/00031/FUL) so is the impact on this group and so would no longer make the locally listed buildings appear subordinate to them. Therefore, this should be regarded as less than substantial harm.

Design

- 9.45 The comment set out that the scale of the development is modest. Though at its tallest it is three storeys in height, this does not come up to the height of many of the neighbours, which typically have steeply pitched roofs and are some distance away. So, the houses should not dominate the streetscape, especially as most of the building is on sloping ground, with only the top two floors facing the nearest buildings.
- 9.46 The comment sets out that the more contemporary appearance contrasts with many of the arts and crafts or vernacular style of buildings, but the principle of this is acceptable. The massing is more broken up than the flats to the north and the materiality is more appropriate. Though the north side is rendered where it faces the flats, the south site, which is more in the setting of earlier brick buildings, is also in brick.
- 9.47 The comment sets out that it is unfortunate that so much parking is required for a development so near the railway station.

Conclusion

- 9.48 In conclusion, the Local Planning Authority's Design and Conservation Officer sets out that the development should be regarded as causing less than substantial harm to all of the nearby designated heritage assets and when considered against the scheme benefits, is not objected to on Conservation grounds. Most of all it benefits from the retention of Clayhill Lodge and there should be no objections on conservation grounds, subject to conditions.

Officer comments

- 9.49 Officers recognise the proposed development's positioning between the traditional Clayhill Lodge and more recently constructed Birchdene. Officers agree that the proposal has connection to the style of adjacent Birchdene and Court lodge, but, that this contrasts with the more traditional style of Clayhill Lodge.
- 9.50 Officers agree that the proposal has been developed to respond to the surrounding built environment, by concentrating the building's main mass towards the rear, towards Clayhill Lodge (due to the sloping nature of the Site, the proposal is likely to be viewed more as a two-storey building from Clayhill Lodge, rather than a three-storey building). Officers also agree that the buildings' articulation results in the division of units, with a broken façade and front courtyards. There are also undulating projections, to replicate the curved form of Birchdene and Court Lodge.
- 9.51 Whilst the above is not disputed, Officers consider that these design techniques fail to mitigate the overdevelopment of the Site. The Site would represent a high proportion of built form, with limited amenity space. Whilst there is an architectural connection to adjacent flatted developments, this would not justify the scheme failing to represent good, considered design or the failure to create an opportunity to improve the character and quality of the area. Indeed, combined with Birchdene and Court Lodge, the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area.
- 9.52 Officers recognise that the Local Planning Authority's Design and Conservation Officer is generally supportive of the scheme, setting out that the proposed development should be regarded as causing less than substantial harm to all nearby designated heritage assets. As the Local Planning Authority's Design and Conservation Officer has identified less than substantial harm, it must be weighed against the public benefits of the scheme, below.
- 9.53 In this case, there are several strands of harm (and concerns) identified by Officers, including overdevelopment of the Site, amounting to poor design, which would fail to preserve or enhance the character or appearance of the Conservation Area. The proposal provides insufficient private amenity spaces and constrained amenity spaces that cause concern for meaningful tree planting and growth. The public benefits of this scheme is the provision of five houses and the creation of construction jobs. On balance, the harm to nearby designated heritage assets and the Conservation Area is considered to outweigh the public benefits of this proposal, as that harm cannot be successfully mitigated.
- 9.54 The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).

Neighbouring Amenity

- 9.55 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;
 - the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.

- 9.56 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:
- prevailing development typology, including housing types and sizes;
 - prevailing density of the surrounding area;
 - scale, layout, height, form (including roof forms), massing;
 - plot width and format which includes spaces between buildings;
 - building line; and
 - typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.57 The proposal seeks a linear arrangement of five, two/three-storey terraced houses within the Site. The proposed terraces measure approximately 9.55 metres in height, 14.5 metres in width and 46.73 metres in depth.
- 9.58 The proposed terraces are positioned approximately 3.5 meters from the house at Clayhill Lodge, 22.284 meters from the Birchdene development and 40.05 meters from Court Lodge.
- 9.59 Section 3.0 of the Design and Access Statement (DAS) illustrates the design approach taken to ensure that the scale, layout, height, form and massing of the proposed terraces respect the local character and distinctiveness of the area and gives regard to the amenities of neighbouring properties.
- 9.60 The DAS sets out that the overall height and position of the proposal is not considered to result in the loss of light or overbearing impact on any of the neighbouring properties. Due to the sloping nature of the Site, the proposal is viewed as a two-storey building from Clayhill Lodge and Clayhill Green.
- 9.61 The proposed terraces are positioned approximately 3.5 meters from the house at Clayhill Lodge, which Officers consider slight. However, there are no windows on the rear elevations at first or second floor level and due to the topography (sloping ground levels), the proposed terraces would likely be visible as two-storeys in height, rather than three-storeys in height.
- 9.62 The proposed terraces are positioned approximately 22.284 meters from the Birchdene development, with unit five positioned approximately 11.266 meters from the development. The unit does seek a terrace at first floor level. Subject to a condition requiring appropriate screening, the separation distance is considered appropriate.
- 9.63 The proposed terraces are positioned approximately 40.05 meters from Court Lodge, with Birchdene as an intervening development. This raises no concern with regards to impact on neighbouring amenity enjoyed at Court Lodge.
- 9.64 The proposal is considered to be positioned adequately from Allonby, by approximately 23.5 meters, therefore raising no concern with regards to adversely impacting the neighbouring amenity enjoyed at this property.
- 9.65 On balance, the proposal is not considered to adversely impact the neighbouring amenity enjoyed at neighbouring properties, complying with policies DM9 and DM10.

Housing Mix and Quality of Accommodation

- 9.66 The Nationally Described Space Standards (March 2015) sets out internal space standards for new dwellings. This requires a double (or twin bedroom) to have a floor area of at least 11.5m² and a single bedroom to have a floor area of at least 7.5m².
- 9.67 Supporting paragraph 3.35 of Policy DM12 (Housing Space Standards) sets out that for houses a minimum total private outdoor space of 70m² for 3 or more beds and 40m² for 2 beds are required. A minimum depth of 10m of domestic rear garden space is required. For flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings is required and an extra 1m² should be provided for each additional occupant.
- 9.68 Policy DM22 requires all residential development proposals for four or more units be comprised of a minimum of 25% three bedroom, or more, units. The Council would consider exceptions to this approach where it can be demonstrated that such a mix would be inappropriate to the location or endanger the viability of the proposal.
- 9.69 The proposal equates to 43 dwellings per hectare (dph) (Site area: 0.1158ha 5 units = 43 dph). Policy DM11 sets out exceptions to this, including if the Site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks. Also, if the surrounding townscape has sufficient capacity to accommodate developments of higher density. The Applicant has sought to justify the proposed density, setting out that the Site is located within 0.5km of Epsom Town Centre and is highly accessible.
- 9.70 The proposal seeks five x four-bedroom dwellings. The accompanying Design and Access Statement (DAS) sets out that this exceeds the minimum requirement for three bed unit provision, as required by Policy DM22 of the Development Management Policies Document (2015).
- 9.71 The below table sets out the floor areas of the bedrooms and overall units:

	Unit 1 (m ²)	Unit 2 (m ²)	Unit 3 (m ²)	Unit 4 (m ²)	Unit 5 (m ²)
Kitchen/Living/Dining	39.8	37	37	37	37
Bed 1	15.6	13.7	13.7	13.7	19.7
Bed 2	11.8	11.8	11.8	11.8	13.7
Bed 3	7.8	8.6	8.6	8.6	8.6
Bed 4	11.5	11.5	11.5	11.5	11.5

9.72 The total private amenity space per unit is listed in the table below:

	Unit 1 (m ²)	Unit 2 (m ²)	Unit 3 (m ²)	Unit 4 (m ²)	Unit 5 (m ²)
GF (Front Garden)	37.7	22.3	22.3	22.3	27.4
GF (Courtyard)	16.3	16.3	16.3	16.3	16.3
First Floor	12.8	0	0	0	9.9
Second Floor	30.6	19.9	19.9	19.9	26.9
Total	97	59	59	59	81

9.73 In line with the requirements of supporting paragraph 3.35 of Policy DM12, for houses, a minimum total private outdoor space of 70m² for 3 or more beds is required. Subject to the considerations of development viability and practicality, a minimum depth of 10 metres of domestic rear garden space is also required. The proposal fails to provide the minimum required private amenity space for each four-bedroom dwelling.

9.74 The Applicant submitted an Amenity Space Statement on 18.10.2021. This sets out that the proposed scheme is in a highly sustainable location, within walking distance of Epsom Town Centre, Court Lane Recreation Ground and Clayhill Green.

9.75 The Amenity Space Statement sets out that due to site constraints, replication of an existing urban grain or building typology would not be possible. The proposal seeks to introduce a building that transitions between the two different characters (of a traditional dwelling and three-storey contemporary building). The proposal is a 'stop-end' to the character of the contemporary development at Court Lodge and then continued through the neighbouring sites of Birchdene and Hollydene. This approach is achieved through massing and architectural detailing. Please note that a definition of 'stop-end' was not provided.

9.76 The Amenity Space Statement sets out that the strategy is to maximise private amenity space for each dwelling, through a mixture of courtyard and roof terrace spaces. This has been influenced by the work of Peter Barber, who has designed many mews style developments, such as Moray Mews in North London and Rochester Way in Greenwich.

9.77 The Amenity Space Statement sets out that the scheme comprises five terrace houses, with a key priority ensuring that overlooking is avoided between the terraced houses and from the existing properties to the west and south. All amenity space is provided on the eastern side of the development, to ensure that there is no overlooking to Clayhill Lodge. Every dwelling has a front and courtyard garden at ground floor, which is supplemented by one or two raised terraced. The scheme would demonstrate an average of just over 70m² of amenity space per unit.

9.78 Officers have considered the Applicant's Amenity Statement, noting minimum policy requirements and also the Covid-19 pandemic, which has highlighted the need for good-quality private amenity space.

9.79 Officers note that there is a shortfall of private amenity space proposed for three of the five units. Officers note that the Applicant has sought to justify this shortfall, stating that each dwelling provides a mixture of courtyard and roof terrace spaces and noting nearby green spaces.

9.80 Officers consider that this scheme is an overdevelopment of the Site, with a high proportion being occupied by built form and limited amenity space. Officers consider that the tightly constrained amenity space would unlikely be usable for future residents, specifically the ground floor front garden, which is squeezed between parking spaces. Officers do not consider that an appropriate level or quality of outdoor space and amenity space would be provided to meet future residents' needs

9.81 The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015).

Highways and Parking

9.82 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the site can be achieved for all users.

9.83 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.84 Paragraph 108 of the NPPF sets out that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.85 Policy CS16 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non car modes as a means of access to services and facilities. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 9.86 Policy DM36 sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 9.87 The Parking Standards for Residential Development Supplementary Planning Document (December 2015) sets out minimum parking standards for residential development. For four plus bedroom houses located outside of the town centre, three car parking spaces per unit are required.
- 9.88 The accompanying Design and Access Statement (DAS) sets out that the Site is accessed from the existing pedestrian and vehicular access, off Court Lane.
- 9.89 The DAS sets out that the proposed parking provision is allocated based on the Council's Parking Standards document (2015). Each unit would benefit from two car parking spaces, located to the front of the property. The overall proposal therefore provides ten car parking spaces. Each proposed dwelling would also be provided with two cycle parking spaces.
- 9.90 Officers understand that the provision of two car parking spaces per dwelling falls below the requirements of the Residential Development Supplementary Planning Document (December 2015). Whilst the Applicant has not sought to justify the shortfall, Officers note that the Site is located less than 0.5 kilometres from Epsom's train station and is near bus stops, located on the B280 (approximately 1.6 kilometres from the Site). Given the Site's accessibility to public transport nodes and National and Local planning policy's encouragement of sustainable travel, Officers are satisfied that in this case, the provision of two car parking spaces and two cycle parking spaces per unit is acceptable.
- 9.91 Surrey County Council Highways formally commented on this application (25 March 2021). The response sets out that the application has been assessed on safety, capacity and policy grounds. The County Council raises no objection, but recommends conditions, should planning permission be granted.

- 9.92 Whilst Court Lane may offer opportunities for the potential dispersal of vehicles from the development into unrestricted off-street parking, it is unlikely that this would significantly impact on the existing character of the area, given that vehicles already park on Court Lane, or cause the existing residents any further inconvenience beyond that currently experienced with the unrestricted off-street parking.
- 9.93 The proposal is considered to comply with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies Document (2015).

Refuse and Waste

- 9.94 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 9.95 The Design and Access Statement (DAS) sets out that refuse is proposed to be located within wheelie bins and recycle boxes on plot, within designated stores. There would be collected at the curtilage of accessible properties.
- 9.96 The Local Planning Authority's Transport & Waste Services Team formally commented on this application. Initially the Team raised concern regarding the access for waste vehicles, in relation to the potential for increased parking in Court Lane. The Applicant prepared additional drawings (ref: 1976_005 – Proposed Site Plan - Rev B and 1976_002 – Proposed Refuse Collection Area) to demonstrate that the refuse collection area is large enough to accommodate all waste containers from the 5-unit development, which include:
- 5 x 140-litre refuse bins
 - 5 x 240-litre mixed recycling bins
 - 5 x 55-litre glass recycling boxes
 - 5 x 23-litre food waste recycling caddies.
- 9.97 The Local Planning Authority's Transport & Waste Services Team reviewed the amended drawings and confirmed on 28.06.2021 that the refuse collection area described (in the drawings) is suitable in terms of both location and capacity and resolves the outstanding waste collection issues for this development. Collections will be dependent on residents, whose bins will be stored outside their individual properties between collections, to place their bins in the refuse collection area on collection day. The Council cannot collect bins that have not been set out in the refuse collection area.
- 9.98 Concerns had been received from nearby residents, including whether collection operations would require Council refuse vehicles to be parked in Court Lane during refuse collection. The Local Planning Authority's Transport & Waste Services Team consider that the collection operations would not require the vehicles to be parked in Court Lane for such time to be considered as a blocking nuisance.
- 9.99 The proposal is considered to comply with policy CS6.

Trees and Landscaping

- 9.100 Chapter 12 of the NPPF concerns the achievement of well-designed places. Paragraph 131 sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 9.101 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.102 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.103 Policy DM5 of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 9.104 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 9.105 There are no trees on Site subject to a Tree Protection Order.
- 9.106 The accompanying Design and Access Statement (DAS) sets out that no major trees would be "demolished" as part of this application. The landscape strategy focuses on maximising the green spaces within the confines of the Site and should planning permission be granted, a planting strategy would be developed, to comply with the requirements set out in the Ecology Report.
- 9.107 The Local Planning Authority's Tree Officer provided comments on this application on 13.09.2021, setting out the following concerns:
1. The development still appears to encroach into the root protection area of the Holm Oak at 4 Meadway. This tree is not marked on the tree protection plan (an Arboricultural

Implications Assessment should have been submitted with the survey details of this tree so it features on the protection plan)

2. There appears to be no calculation of total canopy cover lost and the mitigation for this direct loss with comparable new planting
3. Hedge vegetation that currently provides landscape softening to Birchdene is lost. The planting of a buffer for the proposed new terrace housing appears to be outside of the Application Site. This directly demonstrates the need for provision of more amenity space and landscaping within the actual Site (to stop the landscape erosion and mitigate losses for environmental protection).

9.108 The Applicant's Arboricultural Consultant (David Archer Associates) provided a rebuttal response on 13.09.2021, provided below:

1. It is our professional opinion that at the time of surveying the Site, the tree in question (Holm oak) was not considered to be of a close proximity to be accounted as an off-Site tree. It's canopy did not encroach the Site at the time of the survey and if there is to be any root activity within the proposed Site which may conflict with the development, this would be so minor as to not cause any significant effects to the health and long term lifespan of this tree.
2. There is no requirement for the calculation of canopy loss within the September 2015 Development Management Policies Document. However, as the removal of trees are within a Conservation Area, a landscape condition could be sought by the LPA to mitigate any low-quality tree removals for the benefit of the scheme.
3. No response provided.

9.109 The Local Planning Authority's Tree Officer provided a comment on 23.09.2021. There is a pending application for tree works, to fell the Holm Oak at 4 Meadway (ref: 21/00467/TPO). The application for tree works has not been determined and therefore, this application is assessed on the Holm Oak being in situ and therefore a consideration. The Local Planning Authority's Tree Officer measured the stem of the tree, positioned approximately 4 metres from the boundary fence at 4 Meadway. It has a stem diameter of approximately 1.5 metres and approximately 900mm of the Root Protection Area overlaps the Site, by up to a metre. The tree should have been plotted on the Applicant's tree survey as it is a significant specimen. But the impact of the development on the root system should be relatively minimal unless deeper excavation is planned. Weighing up the facts in relation to the Holm Oak, the Local Planning Authority's Tree Officer confirms that this is a lesser point of his objection.

9.110 The Local Planning Authority's Tree Officer confirms that his objection is maintained as there is unsatisfactory planting to mitigate the tree loss on Site. The proposal involves the loss of large Category C trees (Leyland Cypress and hedging). There is little amenity space for new tree planting, so under this proposed layout, there is inadequate tree growing space to compensate tree loss. Without sufficient landscaping and treescape, the built form would appear too harsh. It is essential to secure more amenity space and given habitat mapping, some orchard planting and mature forest tree planting should be designed in.

9.111 The Applicant provided a further Arboricultural Method Statement (dated October 2021) on 18.10.2021. A mitigation calculation had been undertaken to ensure that adequate replanting is provided within the Site to offset the removal of trees necessary for the development to be undertaken. To achieve this, replanting the Site boundary had been slightly altered.

- 9.112 The Local Planning Authority's Tree Officer provided a comment on 18.10.2021. The provision of a canopy mass that promotes carbon neutrality is welcomed, with this issued now addressed. However, there is concern that the development does not provide adequate amenity space, questioning whether there is sufficient space both below and above ground for the new trees to be viable. Specifically, there may be future conflict with a shadow mask on the south-western side of the terrace and other conflicts concerning the proximity of trees near to structures. It is necessary to design the space in for trees from the outset, so that development harmoniously integrates with trees.
- 9.113 The Applicant's Tree Consultant considered the Local Planning Authority's Tree Officer's comments and provided a response on 26.10.2021, as follows:

Lack of amenity space: In addition to the front garden and courtyard areas at ground floor level, each of the units has a roof terrace at second-floor level with an associated garden room. Unit 1 has an additional roof terrace at first-floor level. Unit 5 has additional roof terraces at first and second floor levels. I don't, therefore, (professionally) agree with the contention that the development is seriously deficient in amenity space.

Lack of space above & below ground for tree growth: The tree species selected for the row to the south-west of the building have been chosen for their compact, narrow crown habits, so will be suitable for their proposed locations in terms of above-ground space, noting also that the configuration of the building is such that the upper floors slope away from the tree locations in a 'Dutch-style' fashion. There is ample available rooting volume for the trees, given that the land to the SW is open garden land with no obvious impediments to root growth, so this concern is also unsound, in my (professional) view.

Conflict from future shadow mask: It is not entirely clear what is meant by the term 'shadow mask', but it is assumed that the concern here is shading and obstruction of internal daylighting due to the trees. However, the plans make it clear that there is no fenestration on the south-west building elevation at all, other than ceiling lightwells at second floor level for the third bedrooms in each unit. All other fenestration is to the north-east and south-east facing elevations, away from where the row of trees is to be planted. This being so, it is hard to see how the trees will have any effect on internal daylighting of rooms. It is also worth noting that from its context, para 5.3 of BS 5837 is principally concerned with the effect of shading from existing trees as a constraint on development design, rather than that of 'future trees'. Clearly considerations of future shading are also relevant, but in this case, I don't (professionally) consider that the concern has substance, due to the design of the building itself and location/orientation of its windows.

Proximity of tree planting to building: The comments allege conflict with Annex A (specifically Table A.1) of BS 5837, but this is not correct. The BS recommendations for minimum distances between newly planted trees and structures such as buildings are 1.2m for trees of mature trunk diameters of over 600mm and 0.5m for trees of mature trunk diameters of 300mm-600mm. In this case, the trees shown to the south-west of the building are at distances of between 1.5 - 1.7m at the north end of the proposed row, and 1.9m - 2.2m at the southern end of the row, so more than the minimum recommended. One could add that although for convenience the proposed trees are shown on plan to sit entirely within the red line boundary, they could be planted further towards the red line, thereby increasing their

distances from the building, by up to 2.4m in the case of the northern end of the row and up to 3.5m for those along the southern section.

- 9.114 The Local Planning Authority's Tree Officer provided a final comment on 12.11.2021, maintaining his objection. Planning policy requires opportunities to incorporate trees within development and to ensure that the right trees are planted in the right places. The Tree officer has concern regarding the growth potential of trees, specifically to the south-west of the terrace. The Tree Officer estimates the mature crown radius of the proposed trees, as follows:

Species	Crown radius "type"	Estimated crown radius for variety
Acer campestre Elsrijk	5m	4m
Ginkgo biloba Princeton Sentry	7m	5m
Liriodendron tulipifera Fastigiatum	10m	6m

- 9.115 The Local Planning Authority's Tree Officer estimates the maximum possible separation for crown growth is 2.4 to 3.5m. The Tree Officer's professional view is that the tree planting on the south-western side of the housing terrace has been designed as an afterthought and is not compliant with good arboricultural planting design. This lack of consideration of future tree growth means the treescape mitigation proposed is very likely to be unsustainable and not compliant with acceptable planning practice.
- 9.116 Officers acknowledge the engagement between the Applicant and the Local Planning Authority's Tree Officer. The proposal does not seek to remove any Category A or B trees, but it does seek the felling/removal of Category C trees. Officers have considered the Local Planning Authority's Tree Officers concerns, specifically with regard to inadequate amenity space, to allow sufficient space both below and above ground for new tree growth, with specific reference to the south-west of the terrace of houses.
- 9.117 The proposal fails to comply with Policy DM5 of the Development Management Policies Document (2015).

Ecology

- 9.118 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 9.119 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.120 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.

- 9.121 Policy DM4 (Biodiversity and New development) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
 - There is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
 - There are imperative reasons of overriding public interest for the development.
- 9.122 A Preliminary Ecological Appraisal, dated October 2018, accompanies this application. It sets out that the proposed development is unlikely to be adversely detrimental to any designated areas, protected species or habitats, subject to recommendations. A number of considerations and enhancements are recommended, with respect to the overall biodiversity of the Site.
- 9.123 A Bat Survey Report, dated November 2019, accompanies this application. This sets out that a PEA of Clayhill Lodge and garden area was undertaken in October 2018. The main property was assessed as having high bat roost potential due to conducive features. Three emergence bat surveys were subsequently undertaken at the property during May, June and July 2019. A 'day roost' was confirmed by low numbers of common pipistrelle bats in the hanging tiles around the dormer window to the south-eastern elevation of the main property.
- 9.124 The Local Planning Authority's Ecologist commented on this application on 11.08.2021 setting out that there are concerns over bats, with the building requiring re-assessment for its bat potential. The Applicant submitted a further updated bat scoping report (23rd April 2021) as requested. The outbuilding to be demolished was confirmed to have 'negligible' potential for day-roosting bats.
- 9.125 The Local Planning Authority's Ecologist reviewed the updated report and confirmed on 01.09.2021 that the recommended enhancements and need for a bat friendly lighting scheme should be Conditioned, subject to planning permission being granted.
- 9.126 A nearby resident raised concern that the bat report includes a map at Figure 4, on Page 12, which shows an area of green that is outside of the Site boundary. The resident requested that the map was amended, to not include this area. Officers have considered this comment and notes that the map is provided under the open Government License, from the Magic Website: <https://magic.defra.gov.uk/MagicMap.aspx>. The area identified signifies land identified as traditional orchard, rather than semi-natural woodland on the priority habitat inventory.
- 9.127 The proposal is considered to comply with Policies CS3 and DM4.

Flood Risk and Drainage

- 9.128 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment
- 9.129 Paragraph 165 of the NPPF sets out major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the Lead Local Flood Authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.130 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia) avoids increasing the risk of, or from, flooding.
- 9.131 Policy DM19 sets out that development on site of 1ha or greater in Flood Risk Zone 1 and sites at medium or high risk from other sources of flooding will not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk to and from the development or at least be risk neutral. Where risks are identified through a Flood Risk Assessment, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.
- 9.132 Policy DM19 expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.
- 9.133 A Flood Risk Assessment and Surface Water Drainage Strategy Report, dated February 2021, accompanies this application. The Flood lies within Flood Zone 1 and is not at flood risk from surface water, ground water, sewer or infrastructure failure flooding. The report sets out a strategy for surface water drainage and storage. This is considered acceptable, with the proposal according with Policies CS6 and DM19.

Sustainability

- 9.134 Chapter 2 of the NPPF relates to achieving sustainable development. Chapter 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.135 Chapter 8 of the NPPF sets out that there are three overarching objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.
- 9.136 Policy CS6 sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.137 An Energy and Sustainability Statement, dated January 2021, accompanies this application. It covers possible active and passive measures, including renewable energy sources, to ensure the development is sustainable and environmentally friendly. This includes installing a solar PV system to each dwelling.

- 9.138 The Local Planning Authority's Design and Conservation Officer does not have an in-principle objection to PV panels being attached to the roof. These would unlikely harm the setting of any listed building or locally listed building, though these would face into the Conservation Area and would be visible from the back garden of Clayhill Lodge (though not an area of public grounds). The panels would cause less than substantial harm if these are flush with the roof and not above the surface. Subject to planning permission being granted, a condition would be attached, requiring a section detail of the PV panels.
- 9.139 Officers consider that the proposal incorporates measures to ensure that the proposal is sustainable and environmentally friendly. The proposal is considered to comply with Policy CS6 of the Core Strategy (2007).

Community Infrastructure Levy (CIL)

- 9.140 The proposal is liable for CIL.

10 Conclusion

- 10.1 The approach to decision making set out in paragraph 11(d) of the NPPF applies because of the Housing Delivery Test position and because of the absence of a five-year housing land supply. In these circumstances, the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.2 The proposal would provide two benefits: the provision of five houses and employment during construction.
- 10.3 In this case, the amount of development proposed would go beyond optimising the potential of the Site, with a high proportion of the Site being occupied by built form, with inadequate private and public amenity spaces, amounting to an overdevelopment. It would not represent good design because it represents overdevelopment that would be harmful to the character and local distinctiveness of the area. Whilst there is an architectural connection to adjacent flatted developments, this would not justify the scheme failing to represent good, considered design, or the failure to create an opportunity to improve the character and quality of the area. Indeed, combined with Birchdene and Court Lodge, the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area. The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).
- 10.4 The proposal would not meet minimum private amenity space requirements, set out in local planning policy. The Covid-19 pandemic has highlighted the need for good-quality private amenity space. This is an overdeveloped site and the tightly constrained amenity spaces would unlikely be usable for future residents, specifically the ground floor front gardens, which are squeezed between car parking spaces. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015).

- 10.5 The proposal fails to provide adequate amenity space for considered tree planting and growth. The proposal is considered to conflict with Policy DM5 of the Development Management Policies Document (2015).
- 10.6 The public benefits of this scheme are not considered to outweigh the adverse impacts, when considered against the NPPF, as a whole. Officers recommend refusal of this planning application.

11 Recommendation

- 11.1 Officers recommend the refusal of this application.

Refusal

1. The proposal would constitute an overdevelopment of the Site, with a high proportion of built form and limited amenity space. The scheme fails to represent good, considered design, failing to create an opportunity to improve the character and quality of the area, harming the integrity of the Conservation Area. It would fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015)
2. The proposal would not meet minimum private amenity space requirements, with constrained private amenity spaces that would unlikely be usable for future residents. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015)
3. The proposal fails to provide adequate amenity space for considered tree planting and growth. The proposal conflicts with Policy DM5 of the Development Management Policies Document (2015)

Informative(s):

- (1) Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- (2) The following drawings were submitted with this application:
 - 1976_001A Site Location Plan – dated 14.10.21
 - 1976_002B Existing Block Plan – dated 14.10.21
 - 1976_003A Proposed Block Plan – dated 14.10.21
 - 1976_004 Existing Outbuildings Plans and Elevations – dated 29.01.21
 - 1976_005E Proposed Site Plan – dated 15.10.21
 - 1976_010B Proposed Ground Floor Plan – dated 15.10.21
 - 1976_011 Proposed First Floor Plan – dated 29.01.21

1976_012 Proposed Second Floor Plan – dated 29.01.21

1976_013A Proposed Roof Plan – dated 29.01.21

1976_020 Proposed East and West Elevations – dated 29.01.21

1976_021 Proposed South and North Elevations – dated 29.01.21

1976_022 Proposed Refuse Collection Area – dated 17.06.21

1976_023A Proposed Circulation Plan – dated 15.10.21

Ward:	Nonsuch
Site:	6 St Normans Way, Ewell, Surrey, KT17 1QG
Application for:	Erection of hip to gable/gable ends, front and rear dormer roof extensions, installation of front rooflight
Contact Officer:	Euan Cheyne

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXCU5ZGYLDG00>

2 Summary

- 2.1 The application seeks planning permission for the erection of hip to gable/gable ends, front and rear dormer roof extensions and installation of a front rooflight.
- 2.2 The proposed hip to gable/gable ends and front dormer roof extensions would alter the character and appearance of the bungalow, however it would retain features which contribute to local distinctiveness, therefore the proposal is not considered to significantly detract from the visual amenities of the surrounding area.
- 2.3 The proposal, by reason of its siting in relation to the neighbouring built form, is not considered to have any significant impact upon the residential amenities of No's. 4 and 8 St Normans Way or No's. 11 and 12 Conaways Close.
- 2.4 The applicant is an Epsom and Ewell Borough Councillor, therefore the case is referred to the Planning Committee, in accordance with the Council's Scheme of Delegation.
- 2.5 The application is recommended for APPROVAL subject to planning conditions being imposed.

3 Site Description

- 3.1 The site comprises a detached bungalow located on the north west side of St Normans Way.

3.2 The surrounding area is predominantly residential in character and appearance comprising of a mix of detached bungalows and two storey detached properties.

3.3 The site does not contain a Listed Building and is not located within a Conservation Area.

4 Proposal

4.1 The application proposes the erection of hip to gable/gable ends, front and rear dormer roof extensions, installation of front rooflight.

4.2 The proposal description has been amended to better reflect the proposed works. The internal alterations do not require planning permission.

5 Comments from Third Parties

5.1 The application was advertised by means of letters of notification to 4 neighbouring properties and no representations have been received to date (22/11/2021).

6 Relevant Planning History

6.1 None.

7 Planning Policy

National Planning Policy Framework (2021)

LDF Core Strategy (2007)

Policy CS5 The Built Environment

LDF Development Management Policies Document (2015)

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments

Policy DM37 Parking Standards

Parking Standards for Residential Development SPD (2015)

8 Planning Considerations

8.1 The main planning considerations material to the determination of this application are:

- Impact upon Character and Appearance of the Area
- Impact upon Neighbouring Residential Amenities
- Impact upon Highways and Parking

Impact upon Character and Appearance of the Area

- 8.2 The National Planning Policy Framework (NPPF) (2021) attaches great importance to the design of the built environment. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.3 Paragraph 3.7.5 of the Council's LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 8.4 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 8.5 The proposed hip to gable/gable ends, front and rear dormer roof extensions, and installation of a front rooflight would facilitate a loft conversion to the host dwelling. The maximum height of the dwelling would remain as existing.
- 8.6 It is considered that front and roof extensions can significantly alter the character and appearance of both the original dwelling and the wider streetscene, and should therefore be minor in scale and not significantly alter the overall appearance of the dwelling.

- 8.7 The proposed hip to gable/gable ends are considered to alter the character and appearance of the bungalow, however the predominant front gable element with the wood detailing would be retained. This would help retain local distinctiveness and some uniformity with the neighbouring properties, therefore the proposed roof extensions are not considered to significantly detract from the visual amenities of the surrounding area. Furthermore, a similar roof extension could be constructed under permitted development, therefore this fall-back position with similar alterations visible from the streetscene is considered a material planning consideration.
- 8.8 The proposed front dormer roof extension would be designed with a dual pitched roof form and would be modest in scale. It is considered that whilst the front dormer roof extension would not be wholly sympathetic to the character and appearance of the host dwelling, it would not overwhelm the extended roofslope, therefore any harm is not considered to be significant enough to warrant grounds for refusal in this instance. Similarly, the proposed front rooflight would be modest in scale and would not have any significant impact upon character and appearance.
- 8.9 The proposed rear dormer roof extension would be a large box style, flat roof dormer. It would be adequately set down from the roof ridge line, set up from the eaves and would not be visible from the streetscene, therefore any impact upon character and appearance is considered negligible.
- 8.10 The proposed materials and finishes have been stated in the application form to match those existing, which would ensure that the proposed extensions integrate with the host dwelling. Dwg No. OAK-225-PL0-01 appears to show a render finish for the external walls of the front and rear dormer roof extensions, however it is considered that hanging tiles would be more contextually appropriate. This aspect will be secured via a planning condition.
- 8.11 As such, it is considered that the proposal would comply with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenities

- 8.12 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance. The main dwellings to consider in any assessment of the impacts upon the residential amenities of neighbouring properties are No's. 4 and 8 St Normans Way and No's. 11 and 12 Conaways Close.

- 8.13 The proposed hip to gable/gable ends, front and rear dormer roof extensions, by reason of their siting in relation to the neighbouring built form, is not considered to have any significant impact in terms of overshadowing, loss of daylight/sunlight or loss of outlook to No's. 4 or 8 St Normans Way.
- 8.14 It is considered that there may be some overlooking impact upon the rear gardens of No's. 4 and 8 St Normans Way from the rear dormer windows, however there would not be any direct overlooking. Furthermore, there is already a degree of mutual overlooking into neighbouring gardens from neighbouring properties and this is expected within a built up environment.
- 8.15 It is considered that the siting of the rear dormer windows would be sufficiently located away from the shared boundaries with No's. 11 and 12 Conaways Close and would not give rise to any undue overlooking or issues regarding privacy.
- 8.16 There are no first floor side windows proposed.
- 8.17 As such, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of daylight/sunlight, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Highways and Car Parking

- 8.18 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.19 Policy DM37 (Parking Standards) of the Council's LDF Development Management Policies Document (2015) states [inter alia] that extensions will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 8.20 Table 1 of the Council's Parking Standards for Residential Development SPD (2015) states that 3 bedroom houses should have a minimum of 2 spaces per unit (outwith Epsom Town Centre).
- 8.21 It is considered that the existing hardstanding within the front forecourt would be able to accommodate 2 on-site car parking spaces, therefore complying with the NPPF (2021) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

Conclusion

8.22 The application is recommended for APPROVAL, subject to the below conditions.

CONDITIONS:

- (1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

OAK-225-PL0-01 Location Plan, Existing & Proposed Plans & Elevations (Received 02/09/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials and finishes of the external walls, roof and front elevation windows of the development hereby permitted shall match in colour and texture those of the existing building, or such other materials shall have been approved in writing by the Local Planning Authority, and shall thereafter be retained as such.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) The proposed materials of the external walls of the front and rear dormer roof extensions shall be hanging tiles, matching in colour and texture those of the main roof, or such other materials shall have been approved in writing by the Local Planning Authority, and shall thereafter be retained as such.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

INFORMATIVE(S)

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

Planning Committee:
09 December 2021

Planning Application Number
21/01304/FLH
Agenda Item 6